

Ordinary Meeting

Meeting Date: Tuesday, 26 April, 2022
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 11 April 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**

Mayoral Minute

MM22.6 Mayoral Minute
Waminda - Proposed "Birthing on Country" Centre1

MM22.7	Mayoral Minute - Nurses and Midwives Association - Campaign for Better Working Conditions.....	2
9. Deputations and Presentations		
10. Call Over of the Business Paper		
11. A Committee of the Whole (if necessary)		
12. Committee Reports		
CL22.186	<u>Report of the Aboriginal Advisory Committee - 22 March 2022</u>	3
AA22.4	Aboriginal Advisory Committee Representative on Shoalhaven Arts Board	
AA22.8	Additional Item - Budget Bid Plan of Management for Cullunghutti	
CL22.187	<u>Report of the Central Floodplain Risk Management Committee - 8 April 2022</u>	4
CFM22.3	Update on Filling the Current Central FRMC vacancy	
CFM22.4	St Georges Basin Floodplain Risk Management Study and Plan Update	
13. Reports		
<u>City Performance</u>		
CL22.188	Ongoing Register of Pecuniary Interest Returns - March 2022.....	9
CL22.189	LGNSW Destination & Visitor Economy Conference 2022 - Annual NSW Local Roads Congress 2022	11
CL22.190	Investment Report - March 2022	13
<u>City Futures</u>		
CL22.191	Endorsement for Exhibition - Draft Local Approvals Policy	23
CL22.175	Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach)	28
CL22.192	Support for Carnivals, Festivals and Events	35
CL22.193	Request To Form A New Committee - Shoalhaven Economic Growth and Advocacy (SEGA) Group	44
<u>City Development</u>		
CL22.194	Development Application - DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP246986.....	53
<u>City Lifestyles</u>		
CL22.195	Bawley Point/Kioloa - Skatepark & Recreation Hub - Survey Results.....	80
CL22.196	Access Areas for Dogs Policy Review - Community Consultation Overview and Proposed Way Forward.....	96
CL22.197	Narrawallee Beach - Dog Access Areas - Review of Environmental Factors.....	109
CL22.198	Design Options and Way Forward - Refurbishment of the Bomaderry Basketball Stadium and Integration with the Shoalhaven Indoor Sports Centre.....	113

CL22.199	West Nowra Infrastructure and Recreational Facilities Upgrade Program - Investigations and Way Forward.....	125
CL22.200	South Coast Regional Arts Development Organisation - update and request to Council	137
CL22.201	Shoalhaven Arts Foundation Funding Needs and Way Forward	140
CL22.202	Request for Community Consultative Body Change of Boundary - Kangaroo Valley Community Consultative Body	146

Shoalhaven Water

CL22.203	Renewable Power Purchase Agreement (PPA) and Small Sites Electricity Procurement	154
CL22.204	Payment of Dividend from Shoalhaven Water 2020-21	160

14. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

CL22.205	Notice of Motion - Vincentia Golf Club.....	172
CL22.206	Notice of Motion - Ulladulla Milton Lions Club – Markets Burrill Lake	173
CL22.207	Notice of Motion - Dunn Lewis Centre 20th Anniversary Celebrations.....	174

15. Confidential Reports

Nil

MM22.6 Mayoral Minute

Waminda - Proposed "Birthing on Country" Centre

HPERM Ref: D22/151377

Recommendation

That Council actively work with Waminda to assist them in their efforts to find a site for their proposed 'Birthing on Country' Centre and receive future reports on this matter if needed.

Details

Waminda is an Aboriginal Community Controlled Health Organisation providing services to women and their families in Shoalhaven, they have been operating for more than 30 years.

Their website notes that 'Birthing on Country' is:

a continuation of thousands of years of knowledge and practice, which provides holistic maternal, child and family health care that embeds cultural integrity and safety during pregnancy, labour, birth and postnatal care.

BOC is about our women from community lead by our Elders and Aunties, to take back control for our Minga's (mums) to birth healthy beautiful Gudjaga's (baby's) in a safe space that is centred around culture and then throughout the continuation of Minga's and Gudjaga's life cycle.

Waminda has prepared a detailed business case for a proposed birthing centre and community hub, that will support 'birthing on country' locally. The proposed centre has been received favourably by the NSW Illawarra-Shoalhaven Local Health District. Waminda are now pursuing funding for the centre through the Federal and NSW Governments. Recently, ahead of the Federal Election, the Member for Gilmore Fiona Phillips MP announced a \$22 million funding commitment to the project.

To assist in moving this important project to the next stage, Waminda need to find a suitable site (4,500 to 7,000 sq metres) that is relatively close (30 mins) to the Shoalhaven Hospital and can accommodate a standalone building that also has associated wrap around services. I recently met with representatives of Waminda to discuss this aspect (sites) and whether Council could assist in this regard.

Whilst Council may not have any readily available sites that could be easily provided, I believe that this facility is important to our local community and as such Council should assist wherever it can and be involved as needed in continued dialogue with Waminda regarding all potential sites (Private/Council/Government).

MM22.6

MM22.7 Mayoral Minute Nurses and Midwives Association - Campaign for Better Working Conditions

HPERM Ref: D22/158413

Recommendation

That:

1. Shoalhaven City Council write to the NSW Health Minister, and post the Federal election the Federal Minister for Health, advising that Council supports the campaign for improved conditions for our local health care workers, with a copy of this correspondence to also go to the Illawarra Shoalhaven Local Area Health District CEO.
2. Through the Nowra Riverfront Task Force, Council make representations to Land and Housing Corporation about the ongoing need for affordable nurses accommodation and the need for some dorm like accommodation in any redevelopment plans.
3. Council request a briefing from NSW Health in regard to workforce training and planning for the redevelopment of the Shoalhaven District Memorial Hospital and request that the University of Wollongong be included to ensure that the local training facilities continue to meet the needs of students.

MM22.7

Details

I recently met with the Nurses and Midwives Association (NSWNMA), post my attendance at their rally, to discuss the issues that have been driving strike action across NSW. I doubt that anyone disagrees that our health professionals have been under enormous strain since the pandemic took hold in NSW. They have cared valiantly for our community under the hardest of conditions.

NSWNMA have been asking for improved working conditions, including higher ratios and an all-important pay increase. Nurse keeper should also be deployed as a means of keeping skilled staff within the system.

This Mayoral Minute is not only to signal Council's political support for local health workers, but to also consider what the future of nursing will be in the Shoalhaven once the hospital redevelopment has taken place. Where is the future work force coming from and what preparations are being made to reach targets for the hospital?

Housing is also relevant to this discussion as an expanded work force will need to have suitable affordable housing. Just this week it was brought to my attention that trainee nurses who needed placements in local hospitals don't receive support for accommodation. This will also need attention.

There is a great opportunity, with the redevelopment of the Nowra Riverfront precinct, to provide nursing accommodation that is affordable and for temporary use for trainees or staff secondments.

I commend this Mayoral Minute to you for support.

To read nurses stories please follow this link.

[Share Your Story - Lamp Online \(thelamp.com.au\)](https://thelamp.com.au)

More about the NSWNMA here.

[Ratios - NSW Nurses and Midwives' Association \(nswnma.asn.au\)](https://nswnma.asn.au)

CL22.186 Report of the Aboriginal Advisory Committee - 22 March 2022

HPERM Ref: D22/156875

AA22.4 Aboriginal Advisory Committee Representative on Shoalhaven Arts Board

HPERM Ref:
D22/103589

RECOMMENDATION

That:

1. Council request the Shoalhaven Arts Board conduct a public EOI process for the position of Aboriginal Representative on the Shoalhaven Arts Board, for the term of membership, being four (4) years, in accordance with the Shoalhaven Arts Board Terms of Reference.
2. A report be submitted back to the Aboriginal Advisory Committee (AAC) on the outcome of the EOI process for endorsement.

AA22.8 Additional Item - Budget Bid Plan of Management for Cullunghutti

RECOMMENDATION

That:

1. Council consider the Capital Operational Budget request of \$50,000 to resolve issues with respect to Cullunghutti and do so through the next quarterly review.
2. A formal discussion between Jerrinja LALC, NPWS and elected Council be organised, with regard to issues around Cullunghutti Plan of Management.
3. The Aboriginal Advisory Committee and Councillors be provided with a copy of the "Cullunghutti: The Mountain And Its People 'A documentary listing of Cullunghutti Mountain from 1770 to 1920 a report for the community' – Produced for the Office of Environment and Heritage (Nowra) in April 2013" written by Kate Waters. Noting the budget implication of approximately \$800 to be taken from the Community Connections Budget

Note by the CEO:

It is suggested that Council also consider the \$50,000 budget request as part of its 2022/23 budget deliberations if funding is not available through the quarterly budget review process.

CL22.186

CL22.187 Report of the Central Floodplain Risk Management Committee - 8 April 2022

HPERM Ref: D22/152604

Attachments: 1. Report - St Georges Basin Floodplain Risk Management Study and Plan Update - Central Floodplain Risk Management Committee - 8 April 2022
[↓](#)

CFM22.3 Update on Filling the Current Central FRMC vacancy

HPERM Ref:
D22/101345

RECOMMENDATION

That Council:

1. Receive this report for information; and
2. Endorse the appointment of Mr David Reynolds to the Central FRMC.

CFM22.4 St Georges Basin Floodplain Risk Management Study and Plan Update

HPERM Ref:
D22/87436

RECOMMENDATION

That Council:

1. Receive the draft St Georges Basin Flood Study report for information; and
2. Endorse the commencement of public exhibition and community engagement for the Draft Flood Study.

CL22.187

CFM22.4 St Georges Basin Floodplain Risk Management Study and Plan Update

HPERM Ref: D22/87436

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Reason for Report

To provide the Central Floodplain Risk Management Committee (FRMC) with an update on the draft St Georges Basin Flood Study (completed as part of the St Georges Basin Floodplain Risk Management Study & Plan Update) and seek endorsement from the FRMC to commence public exhibition and community consultation of the Draft Flood Study report.

Recommendation

The Committee:

1. Receive the draft St Georges Basin Flood Study report for information; and
2. Endorse the commencement of public exhibition and community engagement for the Draft Flood Study.

Options

1. That the Committee:
 - a. Receive the draft St Georges Basin Flood Study report for information; and
 - b. Endorse the commencement of public exhibition and community engagement of the Draft Flood Study report.

Implications: Nil.

2. The Committee could choose to provide an alternative recommendation for consideration by Council.

Implications: This option could delay the progress of the project, result in additional project costs and/or prevent the completion of a Flood Study and Floodplain Risk Management Study & Plan within the project timeframe.

Background

The study area comprises St Georges Basin itself, the estuary area, Sussex Inlet and upstream residential areas along the tributary creeks. The entire catchment covers an area of approximately 358 square kilometres with approximately 10% of the catchment area covered by the Basin itself. The catchment area of the Basin contains several creeks including Pats Creek, Home Creek, Wandandian Creek, Tomerong / Cockrow Creek, Cow Creek, Tullarwalla Creek and Worrowing Creek. The Basin connects to the ocean through the Sussex Inlet Channel and there are no recorded periods of closure of the Basin's entrance.

The objective of this study is to improve understanding of flood behaviour and impacts, and better inform management of flood risk in the study area in consideration of the available information. The study will also provide a sound technical basis for any further studies.

The previous Floodplain Risk Management Study and Plan (FRMS&P) for St Georges Basin was completed in 2013. A review was recommended as per the NSW Floodplain Development Manual. It is noted that the Australian Rainfall and Runoff (ARR) Guidelines were updated in 2019 and this resulted in a number of changes to input parameters for design event flood modelling, such as the Bureau of Meteorology (BoM) design rainfall depths and ARR rainfall losses and design temporal patterns, in addition to significant advancements in computing power and modelling techniques. Hence, the St Georges Basin FRMS&P update will produce updated contemporary flood investigations which utilise industry best practice guidelines.

The study outputs will inform decision making for investing in the floodplain, managing flood risk through prevention, preparedness, response and recovery activities, and informing and educating the community on flood risk and response to floods.

Funding was approved by NSW Department of Planning and Environment (DPE) for this study in October 2017 and Cardno was engaged to prepare the St Georges Basin FRMS&P in June 2018.

Current Status of the Project

The draft St Georges Basin Flood Study report has been completed by Cardno. A link will be provided to the draft St Georges Basin Flood Study report with the FRMC meeting agenda. A Summary Report has also been prepared for the public exhibition and community consultation phase and a link to this report will also be provided with the FRMC meeting agenda.

Cardno will provide a presentation to the Central FRMC on the St Georges Basin Flood Study development and outcomes.

The draft St Georges Basin Flood Study report has been reviewed by Council Flood Engineers and the NSW Department of Planning and Environment (DPE). The draft Flood Study report has been provided to the NSW State Emergency Service (SES) for review. The draft St Georges Basin Flood Study report has been updated based on feedback from Council, DPE and the SES.

An independent expert peer review of the flood model development and outcomes was completed by WMAwater. The hydrologic and hydraulic models have been updated as required to the satisfaction of the peer reviewer.

The next step in the project programme is community engagement for the Draft Flood Study report.

A preliminary list of potential mitigation measures to be considered in the FRMS&P is currently being prepared. The feasibility of these measures, along with preliminary environmental and aboriginal heritage due diligence will be completed for all potential options prior to further assessment in the FRMS&P. Council welcomes any suggestions from the FRMC on potential mitigation measures to be considered in the upcoming FRMSP phase.

It is also noted that Council has received a final extension to the DPE funding term completion date for this project. The project funding term completion date is 21 November 2022. It is expected that the St Georges Basin Flood Study and Floodplain Risk Management Study & Plan Update should be completed by this DPE funding term completion date.

Several tasks that would normally form part of a FRMS&P, such as a flood damages assessment, have been completed as part of the current draft Flood Study. This will reduce the scope of work included in the FRMS&P.

Community Engagement

The first round of community consultation was undertaken between November 2018 and February 2019. A project website was published by Council to inform the community about this project. The website has been developed to provide the community with detailed information about the study and gather information. The website will be updated during the duration of the project to provide relevant information at each stage of the study.

Council is seeking endorsement from the Central FRMC to undertake community exhibition of the draft St Georges Basin Flood Study and seek input about any mitigation measures to be considered in the FRMS&P. The four-week community exhibition phase is expected to commence in late April 2022 (pending endorsement from the FRMC). The following forms of community engagement are proposed.

- Media release to inform the community of the community engagement period.
- Mail out to property owners within the study area, which comprise flood prone land and/or may experience flood isolation or flood evacuation difficulties. This will notify the property owner of the public exhibition period and provide a link to the project Get Involved webpage.
- Get Involved webpage. The Get Involved webpage will include a link to a pre-recorded presentation on the Flood Study development and outcomes, links to the Summary and Full draft Flood Study reports, the ability to ask questions (response provided by Council, DPE or the consultant as appropriate) and an online questionnaire to seek feedback from the community on the draft Flood Study and mitigation measures to be considered in the FRMS&P.
- Council is liaising with the SES to provide some flood education information on the Get Involved webpage during the community engagement period. This will include important links to the SES website, a Community Flood Safe brochure that has been specifically developed for the St Georges Basin floodplain and other flood safety information. This will help the community prepare for flood events, understand BoM flood warning services, stay informed during a flood event and ultimately improve the communities flood resilience and reduce their reliance on emergency services.

Drop-in sessions are not planned to be completed for the upcoming community engagement period. A pre-recorded presentation is expected to reach a wider audience as this allows property owners and residents to watch and view the information on the Get Involved webpage in their own time. The Get Involved webpage will permit the community to review, ask questions, provide feedback and statements about the Flood Study.

The ongoing COVID-19 situation also presents a number of challenges with regard to physical drop in sessions for the community.

Financial Implications

The St Georges Basin FRMS&P is 2/3 funded by DPE and 1/3 funded by Council. This funding has been approved under the NSW State Government 'Floodplain Management Program' on a 2:1 basis. Council's matching 1/3 contribution comes from the existing general Floodplain Management Program budget.

Any potential delays to the community engagement period could, however, prevent the project being completed prior to the end of the DPE funding term completion date and this could result in increased project costs for Council.

Policy Implications

The outcomes from the St Georges Basin Flood Study and Floodplain Risk Management Study & Plan Update will inform Council's Policy for Flood Planning Levels for the St Georges Basin Floodplain when this is reviewed this year.

All flood information completed in the St Georges Basin Flood Study and FRMS&P will be provided to the SES and then can be used to update the Shoalhaven Flood Emergency Sub Plan and other operational procedures accordingly as required.

CL22.188 Ongoing Register of Pecuniary Interest Returns - March 2022

HPERM Ref: D22/102171

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 March to 31 March 2022 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Model Code of Conduct.

Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 March to 31 March 2022 be received for information.

Options

1. As Recommended

Implications: The requirements of the new Code of Conduct will be adhered to.

2. The Chief Executive Officer take appropriate action in accordance with Council's Code of Conduct in respect of any Staff who are in contravention of the *Local Government Act 1993*

Implications: Not known

Background

Under Section 440AAB of the *Local Government Act 1993* and Part 4.26 of the Model Code of Conduct, newly designated persons are required to complete an Initial Pecuniary Interest Return within 3 months of becoming a designated person.

Section 440AAB (2) of The Local Government Act 1993 states:

Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.

Part 4.26 of the Model Code of Conduct states:

Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements.

Those persons who have submitted a return within the period in accordance with their obligation to lodge an initial pecuniary interest return are listed below:

CL22.188

Group	Name	Designated Position Start Date	Returned
Councillor	Moo D'Ath	23/12/2021	11/03/2022
Councillor	Tonia Gray	23/12/2021	14/03/2022
Councillor	Paul Ell	23/12/2021	02/03/2022
Councillor	John Kotlash	23/12/2021	14/03/2022
Councillor	Liza Butler	23/12/2021	21/03/2022
Councillor	Matthew Norris	23/12/2021	22/03/2022
City Services	Matthew Alder	31/01/2022	07/03/2022

Councillors who were newly elected to the Council on 23 December 2021 are required to submit their Initial Pecuniary Interest Returns within three (3) months of that date. The list above indicates those Councillors who have submitted their returns at the date of the report.

Councillor Kitchener submitted an updated return with the Council within this period.

Advice provided to Council by the *Office of Local Government* in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is listed and tabled, with electronic versions of the documents may be viewed upon request.

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by a designated officer leaves Council at risk of non-compliance with legislative requirements, conflicts of interest and limited transparency. Staff who do not complete a return may be in breach of the Council's Code of Conduct.

CL22.188

CL22.189 LGNSW Destination & Visitor Economy Conference 2022 - Annual NSW Local Roads Congress 2022

HPERM Ref: D22/158405

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To consider Councillor attendance at the following conferences:

- LGNSW Destination & Visitor Economy Conference scheduled for 17 to 19 May 2022 in Orange, NSW.
- Annual NSW Local Roads Congress 2022 scheduled for 6 June 2022 in Sydney, NSW

Recommendation

That Council:

1. Notes the details of the following conferences:
 - a. LGNSW Destination & Visitor Economy Conference scheduled for 17 to 19 May 2022 in Orange, NSW.
 - b. Annual NSW Local Roads Congress 2022 scheduled for 6 June 2022 in Sydney, NSW
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending the Conference and such attendance be deemed Council Business.
3. That Council does not approve Councillor attendance at the Conference as Council Business.

CL22.189

Background

LGNSW Destination & Visitor Economy Conference

The LGNSW Destination & Visitor Economy Conference is considered relevant to local government. Information in relation to the conference is available via this link <https://www.lgnsw.org.au/Public/Events/LearningDevelopment.aspx?EventKey=ECEV220517&WebsiteKey=bcab1257-cbc9-4447-bab4-a1399a95e4c7>

Costs associated with the conference are estimated as follows:

- registration: \$1150.00
- travel, accommodation and out of pocket expenses: not yet determined.

The Conference commences at 1.30pm Tuesday 17 May 2022 and concludes at 1.30pm Thursday 19 May 2022 and following Council Business is scheduled within the period of the conference:

- Development Assessment and Application Process Workshop – 17 May 2022.
- Youth Advisory Committee – 18 May 2022
- Shoalhaven Arts Board – 18 May 2022
- Councillor Induction Bus tour – 19 May 2022
- Councillor Briefing – 19 May 2022

Annual NSW Local Roads Congress 2022

The Annual NSW Local Roads Congress 2022 is considered relevant to local government. Information in relation to the conference is available via this link <https://ipweansw.org/events/annual-local-roads-congress-2022-06-06-2022>

Costs associated with the conference are estimated as follows:

- registration: \$495.00
- travel, accommodation and out of pocket expenses: not yet determined.

The Conference commences at 8.30am and concludes at 5.00pm Monday 6 June 2022 and following Council Business is scheduled within the period of the conference:

- Ordinary Meeting – 6 June 2022.

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. This option is presented having regard to the increase in Councillor expenses in recent years, so that Council may pro-actively control this area of expenses when appropriate.

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

CL22.190 Investment Report - March 2022

HPERM Ref: D22/147875

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Investment Report - March 2022 (under separate cover) [↗](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all funds it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 31 March 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.76% per annum for the month of March 2022, exceeding the benchmark AusBond Bank Bill Index (0.04% pa) by 72 basis points (0.72%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 31 March 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 March 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 March 2022 to be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 April 2022.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's independent Investment Advisor, CPG Research and Advisory Pty Ltd.

All investments are within the current Minister's Order, having closed out legacy fund positions at their peak. Council invested \$20M in Long Term Growth Fund, coincident with securing loans from TCorp and adapting TCorp Investment Management policy rules.

CL22.190

Portfolio Return

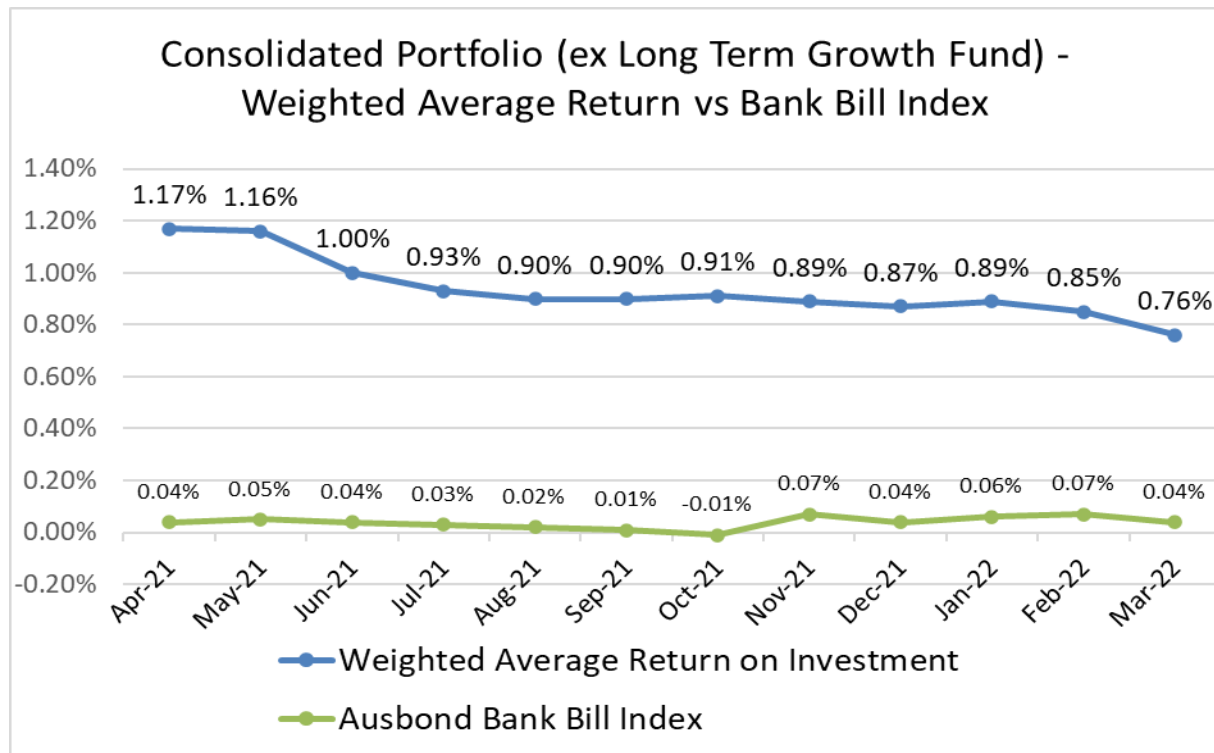
The Overall portfolio returned a 0.28% p.a. for the month of March 2022, entirely due to the negative movement of the growth fund. This will be a typical pattern, where monthly results depend entirely on stock market fluctuations.

The investment returns excluding growth fund were a stable 0.76% p.a., exceeding the benchmark AusBond Bank Bill Index (0.04% p.a.) by +72bp p.a.

The financial market in general is predicting interest rates to increase to 3.5% in the next quarter, however, the Reserve Bank again gave no guidance or commentary on interest rates.

Investments (Excluding Long Term Growth Fund)

The following graph shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



CL22.190

Investment Interest Earned – March 2022

The following table shows the interest earned for the month of March 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	98,436	64,701	(33,735)
Water	64,208	37,791	(26,418)
Sewer	30,519	23,632	(6,887)
Total excluding Long-Term Growth Fund	193,163	126,124	(67,039)

The interest earned for the month of March, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$126,124 compared to the monthly budget of \$193,163.

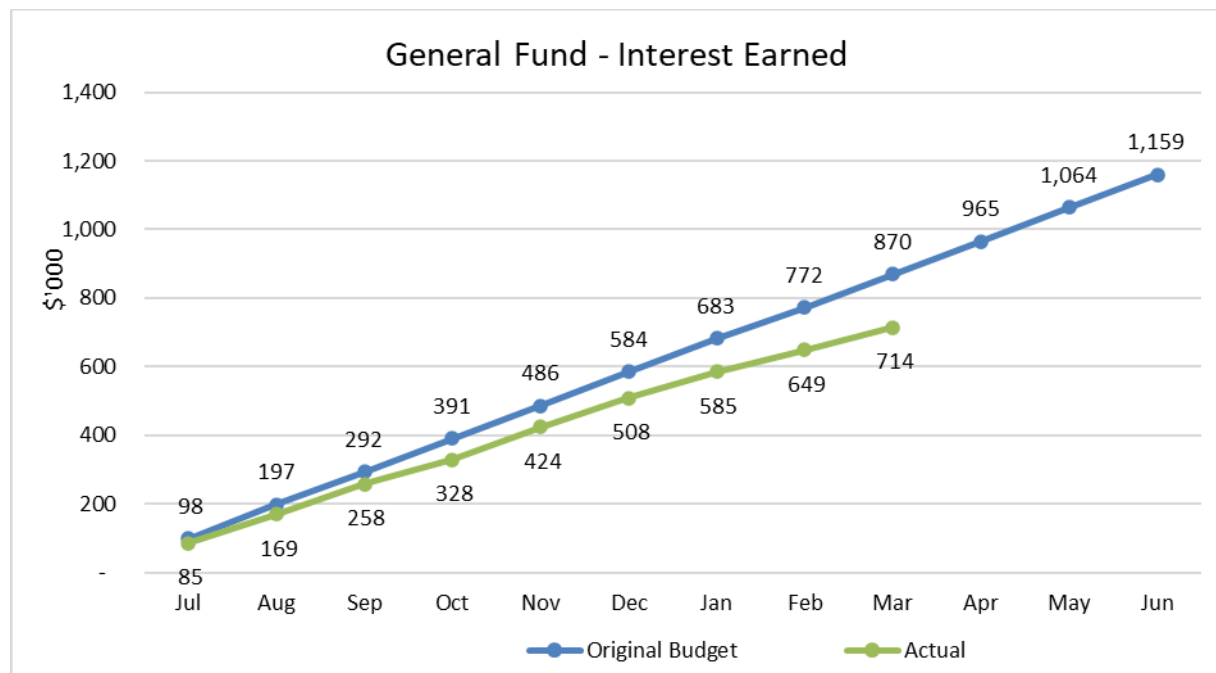
Investment Interest Earned - Year to Date

The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

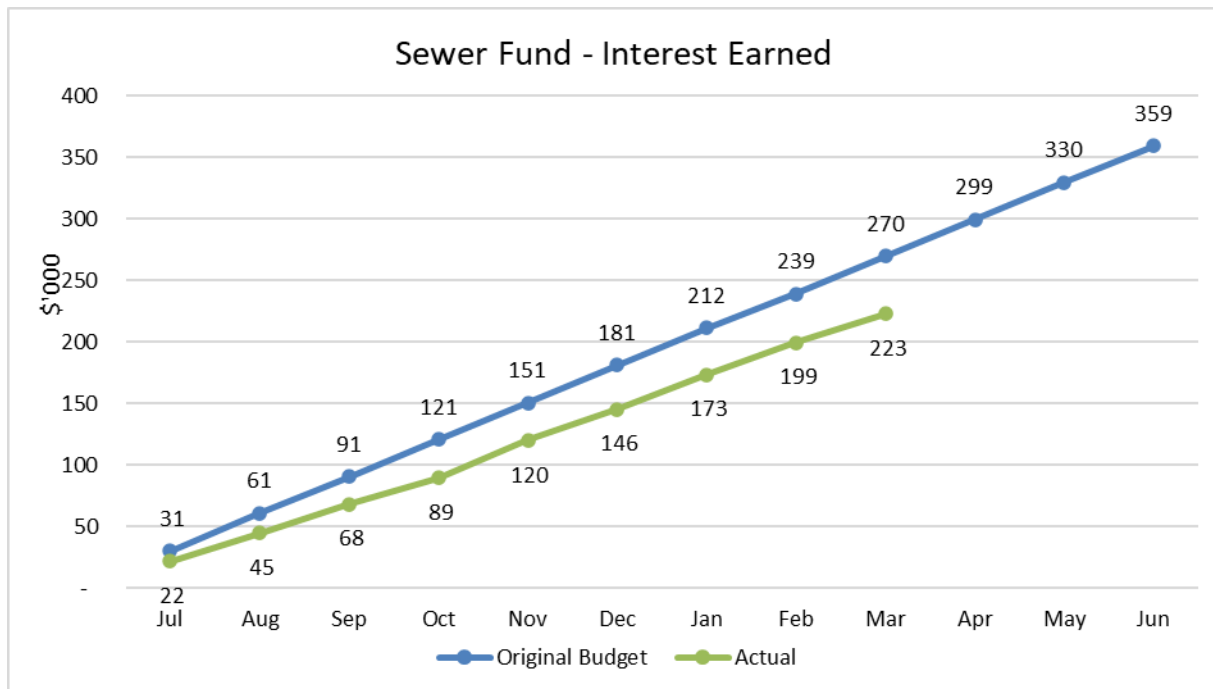
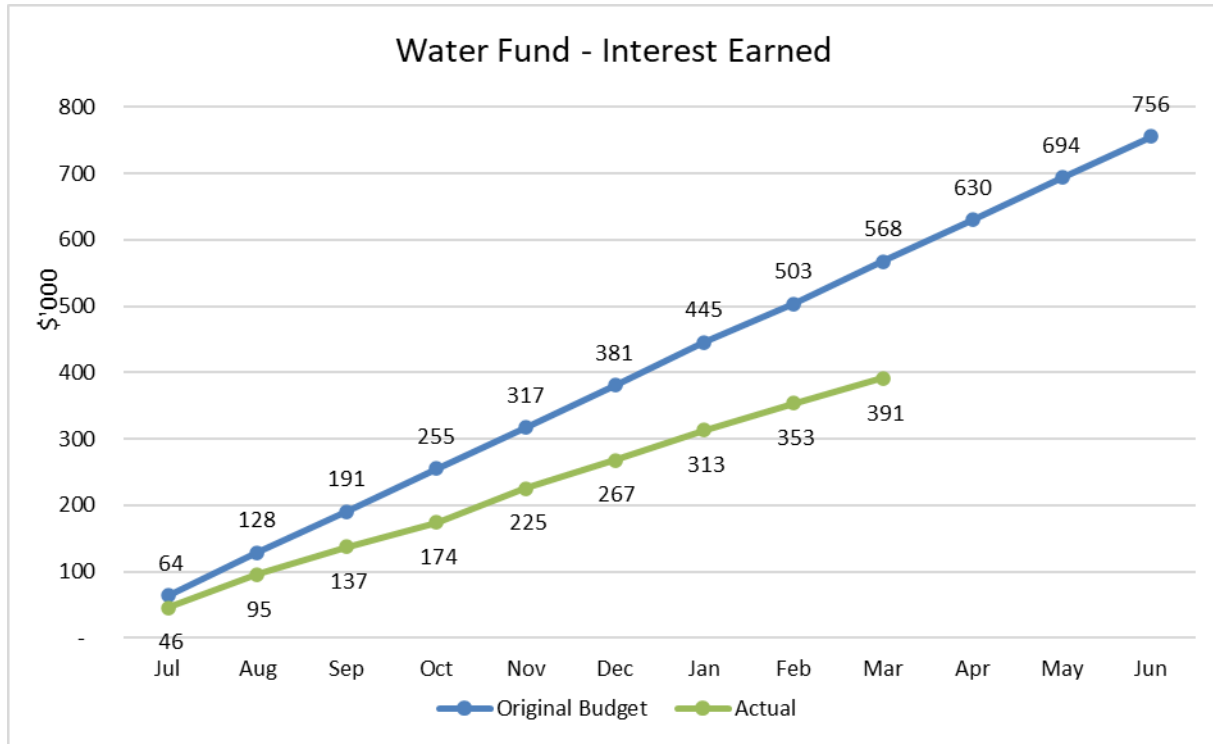
Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	713,784	61.59%
Water	756,000	391,108	51.73%
Sewer	359,333	223,089	62.08%
Total excluding Long-Term Growth Fund	2,274,333	1,327,981	58.39%

The interest earned to the month of March excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,327,981 which is 58.39% of the current full year budget.

The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



CL22.190



CL22.190

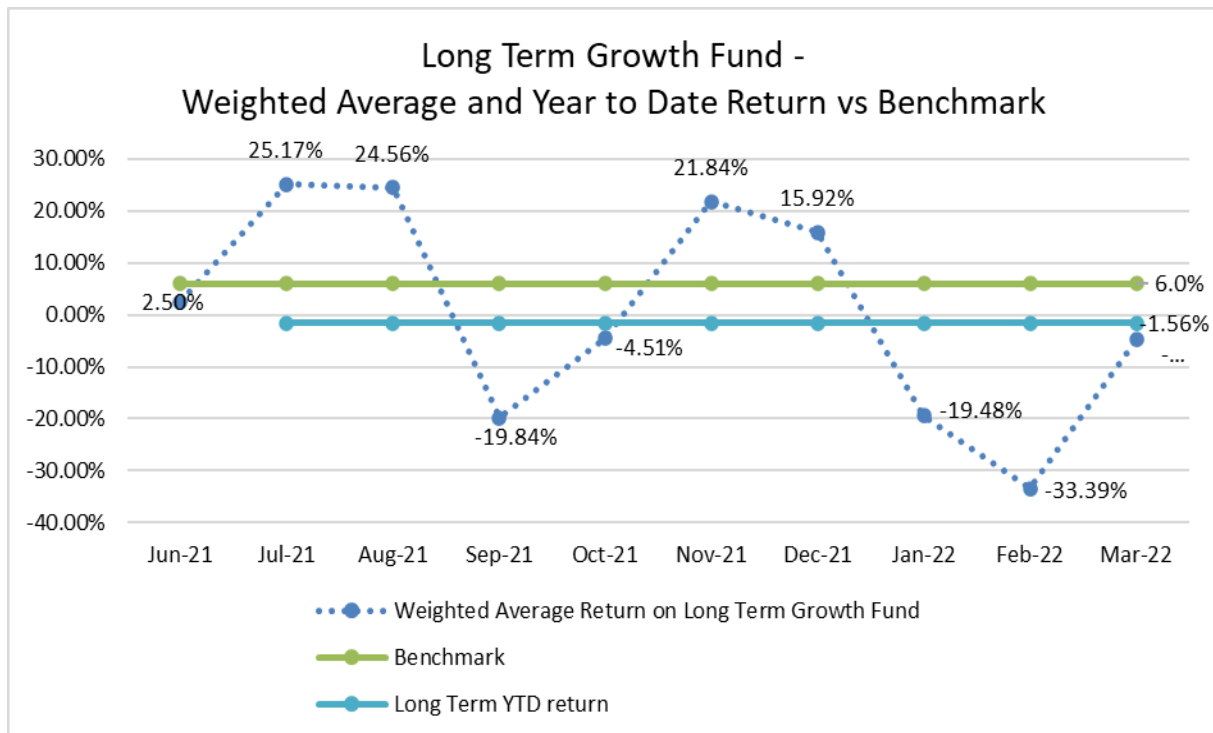
Long Term Growth Fund

Council's investment in Long-Term Growth Fund returned a negative -4.82% for the month of March 2022, further offsetting previous significant market gains, bringing the year-to-date return to a negative -1.56% (-7.56% below the benchmark).

International stocks were generally positive as there were hopes of a ceasefire in the Russian/Ukraine conflict. However, it appears that the conflict could continue for some time which will affect the stock market. Energy prices continue to rise and power prices in Europe are their most expensive in history.

It is important to note that the fund is expected to return an average of 6.0% per annum over a seven-year cycle and the positive months will outweigh the negative months over the long term.

The following graph shows the performance of Council's Long-Term Growth Fund against the benchmark on a rolling twelve (12) months basis.



CL22.190

Long Term Growth Fund Fair Value – March 2022

The following table shows movement in the fair value for the month of March 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
Long-Term Growth Fund	16,986	(83,356)	(100,342)

The fair value of TCorp Long-Term Growth Fund decreased in March by -\$83,356. It is important to note that it is expected that this value will fluctuate monthly and the actual return on this fund should be assessed against our budget forecast on an annual basis.

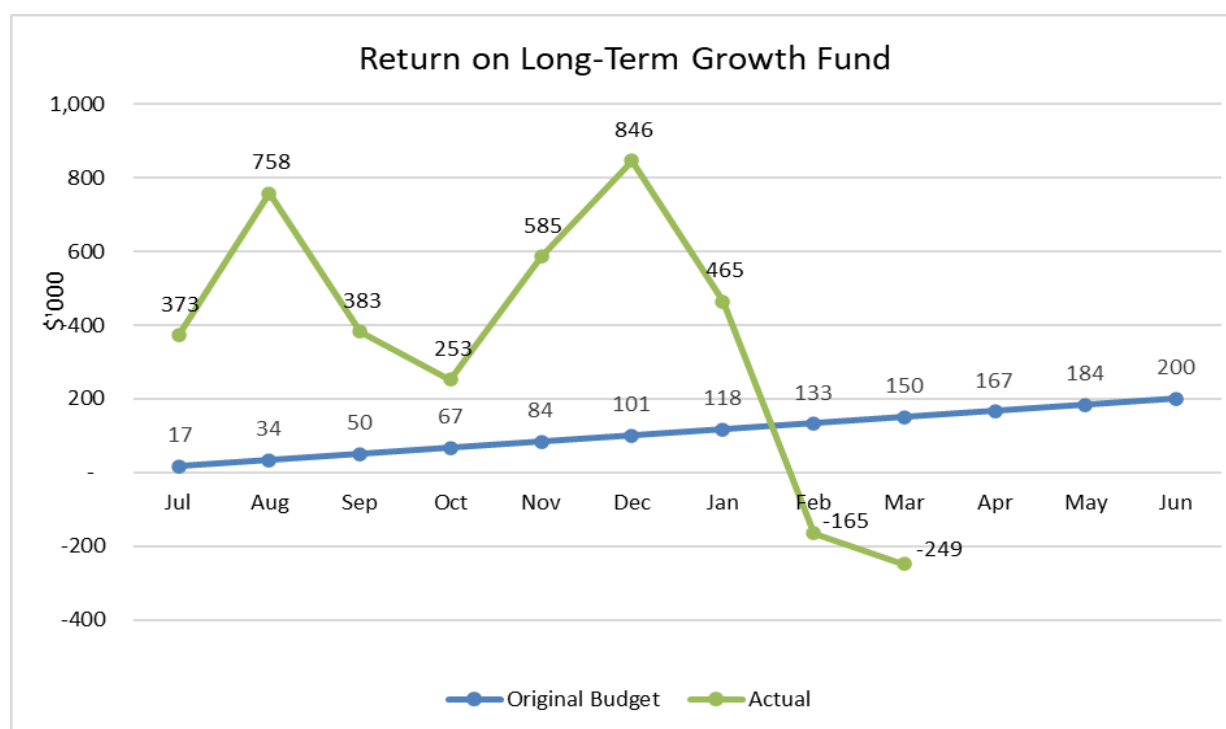
Long Term Growth Fund Fair Value - Year to Date

The following table demonstrates how the fair value movement to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
Growth fund	200,000	(248,661)	(124.33%)

The fair value of TCorp Long-Term Growth Fund decreased to March by \$248,661 which is negative -124.33% of the current full year budget.

The graph below illustrates the fair value movement for the year of the Long Term Growth Fund against budget:



CL22.190

Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$ March 2022	\$ February 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	859,238	12,568,672
Cash on Hand	21,530	21,080
Other Cash and Investments	197,630,412	200,895,035
	198,511,179	213,484,787
Fair Value Adjustment	(114,968)	160,034
Bank Reconciliation	95,049	279,975
	(19,919)	440,009
Book Value of Cash and Investments	198,491,260	213,924,796

Less Cash & Investments Held in Relation to Restricted Assets

Employee Leave Entitlements	7,049,913	7,050,087
Critical Asset Compliance	666,259	704,215
Other Internal Reserves	3,962,857	3,840,861
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,952,448	4,977,676
Plant Replacement	1,462,029	1,624,459
S7.11 Recoupment	4,245,157	9,396,102
Commitment To Capital Works	2,333,286	2,424,172
Total Internally Restricted	24,983,119	30,328,741
Loans - General Fund	20,647,769	23,433,252
Self-Insurance Liability	2,884,435	2,946,925
Grant reserve	13,197,253	13,867,425
Section 7.11	20,224,656	17,564,920
Special Rate Variation	5,711,408	6,471,995
Storm Water Levy	702,226	719,127
Trust - Mayors Relief Fund	161,468	161,455
Trust - General Trust	3,703,316	3,547,460
Waste Disposal	4,678,464	8,628,532
Sewer Fund	32,064,822	31,506,344
Sewer Plant Fund	4,952,336	4,817,042
Section 64 Water	20,459,086 *	20,470,572
Water Fund	28,360,310 *	26,953,302
Water Communication Towers	4,568,681	4,381,600
Water Plant Fund	6,459,004	6,280,504
Total Externally Restricted	168,778,235	171,750,454
Total Restricted	193,761,354	202,079,195
Unrestricted Cash Balance - General Fund	4,729,906	11,845,600

*March balance amended to reflect late journals.

Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

Total Cash	(15,433,536)	March was not a rates instalment month as well as significant capital project payments during March.
S7.11 Recoupment	(5,150,945)	Delivery of capital projects continues, including temporarily funding grant projects from this reserve in advance until grant claims have been lodged.
Loans - General Fund	(2,785,483)	Delivery of major capital projects funded by loans such as Moss Vale Road, Shoalhaven Entertainment Centre upgrade and Boongaree Park

CL22.190

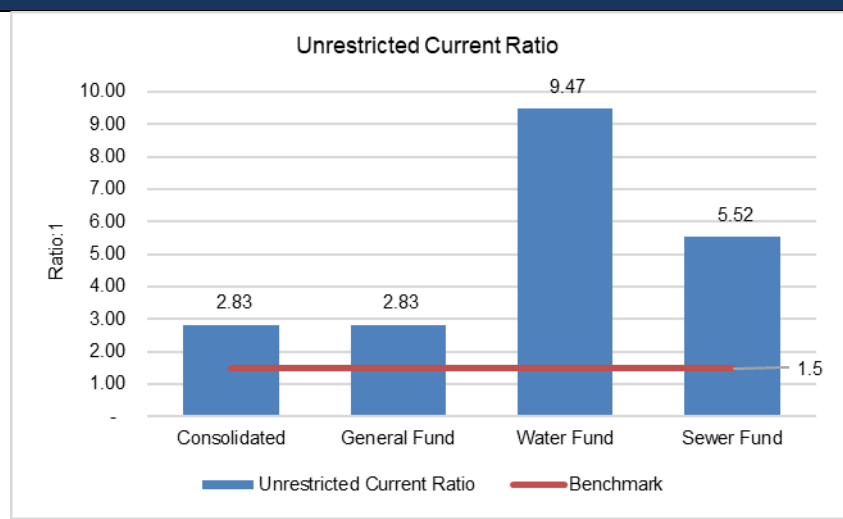
Section 7.11	2,659,737	Section 7.11 contributions from developers received.
Special Rate Variation	(760,587)	Various roads projects funded from this reserve are underway.
Sewer Fund	558,479	Receipts for services.
Waste Disposal	(3,950,068)	March was not a rates instalment month.
Grant reserve	(670,172)	Payments for Albatross Aviation Technology Park - Stage 5 and Coonemia Road projects has impacted the balance.
Water Fund	1,407,008	Receipts for services.
Unrestricted cash	(7,115,694)	Overall decrease due to March not being a rates instalment month.

Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

Unrestricted Current Ratio



The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

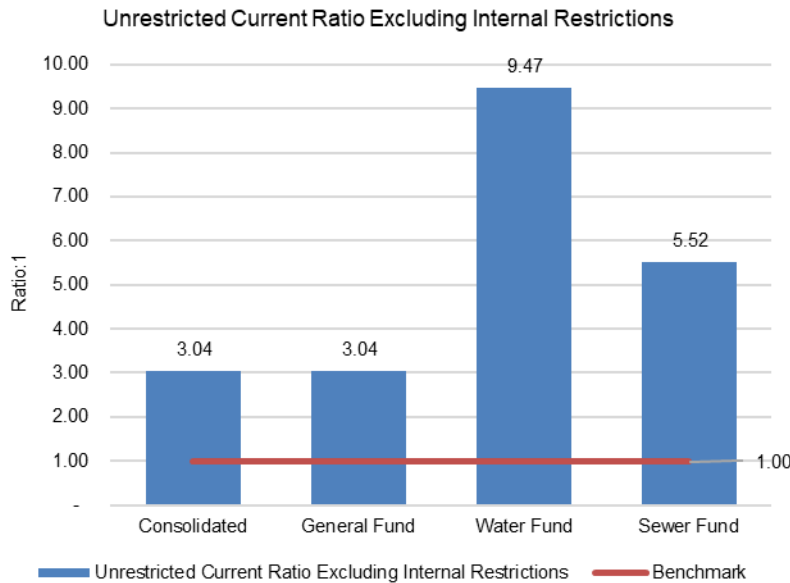
Unrestricted Current Ratio =

$$\frac{\text{Current Assets less all external restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$$

The ratio remains above the benchmark for all funds.

CL22.190

Unrestricted Current Ratio Excluding Internal Reserves



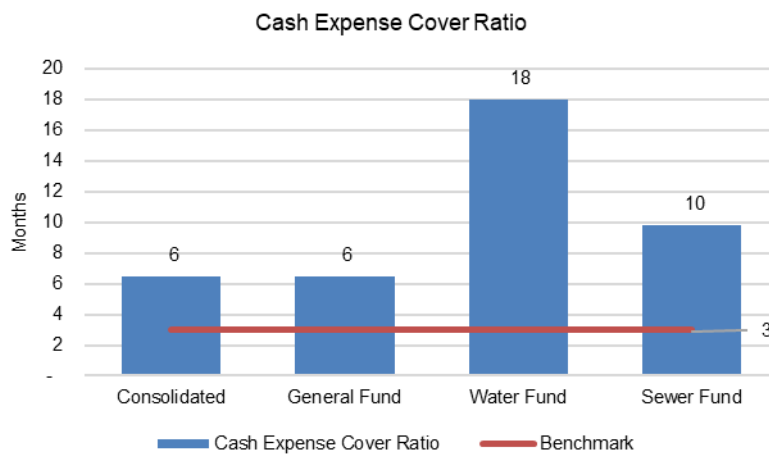
The **Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves =

$$\frac{\text{(Current Assets less all external and internal restrictions)}}{\text{(Current Liabilities less specific purpose liabilities)}}$$

The ratio remains above the benchmark for all funds.

Cash Expense Cover Ratio



Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

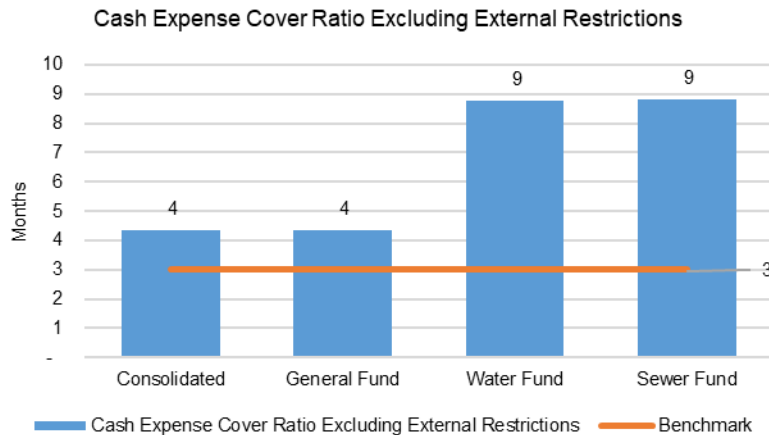
Cash expense cover ratio =

$$\frac{\text{(Cash equivalents, TDs and FRNs x 12)}}{\text{(Payments from cash flow of operating and financing activities)}}$$

The ratio remains above the benchmark of 3 months as at the end of March 2022 for all funds.

CL22.190

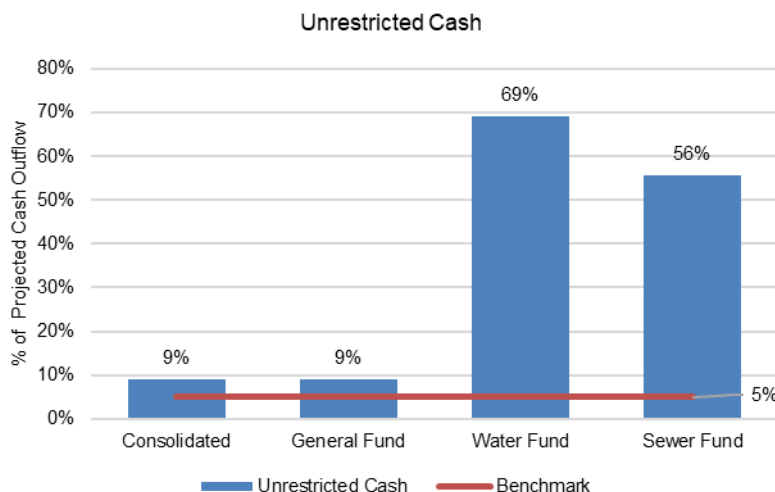
Cash Expense Cover Ratio Excluding External Restrictions



Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

The ratio remains above the benchmark of 3 months as at the end of March for all funds.

Unrestricted Cash



Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.

The unrestricted cash balance remains above the benchmark as at the end of February for all funds.

The benchmark is set up at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

Financial Implications

COVID-19 has applied some pressure to Council's financial position; however, despite this, Council's financial position is operating in a sound manner based on the current cash position and liquidity ratios. It is also noted that revenue from interest earned forms a vital part of Council's revenue stream.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL19/72.

Olena Tulubinska

Date: 14 April 2022

CL22.190

CL22.191 Endorsement for Exhibition - Draft Local Approvals Policy

HPERM Ref: D22/109093

Department: Strategic Planning
Approver: Carey McIntyre, Director - City Futures

Attachments: 1. Draft Shoalhaven Local Approvals Policy 2022 (under separate cover) [⇒](#)

Reason for Report

Obtain Council endorsement to publicly exhibit the draft Local Approvals Policy (**Attachment 1**).

Recommendation

That Council:

1. Endorse the draft Local Approvals Policy (LAP) at Attachment 1 for public exhibition.
2. Publicly exhibit the draft Local Approvals Policy for 28 days and receive comments for 42 days from the commencement of the exhibition period in accordance with Section 160 of the *Local Government Act 1993*.
3. Receive a further report following public exhibition to enable any submissions to be fully considered and any changes made prior to:
 - a. Council adoption; and
 - b. Subsequent process to obtain consent of the Chief Executive Officer (CEO) of NSW Office of Local Government for Part 1 of the Local Approvals Policy prior to finalisation.
4. Will not take compliance action against recipients of Resilience NSW's Pod Program if the 2022 LAP is not finalised prior to the end of the approved leases.

Options

1. As recommended.

Implications: This is the preferred option as it will enable the draft Local Approvals Policy (LAP) to be placed on public exhibition and will give the community an opportunity to comment if needed. The LAP enables Council to meet its obligations under the LG Act.

This will also enable recipients of Resilience NSW's Pod Program to remain in temporary accommodation on their land while they finalise their rebuilds. This will assist them to remain connected to their communities and local support networks throughout their rebuild and recovery journey. Additionally, not taking compliance action will alleviate any potential stress associated with the expiry of their leases and is consistent with approaches from other councils across NSW.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could postpone the implementation of the LAP. If Councillors want more information on this matter, but

CL22.191

without unduly delaying it, a briefing could be arrangement prior to the matter being reported for final adoption

3. Not adopt the recommendation.

Implications: This option is not preferred as by not progressing the draft LAP, Council's obligations under the LG Act will not be met.

Background

Section 68 of the *Local Government Act 1993* (LG Act) specifies that certain activities can only be carried out with the local approval of Council under the provisions of that Act, except in the case of local or legislative exemptions.

Local approvals are different to development consents under the *NSW Environmental Planning and Assessment Act 1979*. A local approval may be required in isolation (e.g., where a land use/activity is exempt or permitted without consent) or in addition to development consent. Activities requiring local approval include activities on community land, installation of sewage management systems, footpath dining, street stalls, installation of caravans/manufactured homes, mobile food vans, water supply, sewerage, stormwater drainage work etc.

A LAP is a policy prepared under the provisions of the LG Act that assists Councils in meeting their obligations relating to local approvals. A LAP must specify:

- Part 1: Exemptions – the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval of the council.
- Part 2: Criteria – the criteria (if any) which the council must take into consideration in determining whether to give or refuse an approval of a particular kind.
- Part 3: Other Matters – other matters relating to approvals.

In accordance with s.165 of the LG Act, all LAPs are automatically revoked 12 months after the declaration of the poll for a general election of the Council. As such, Council needs to commence the process to adopt a new LAP for the current Council term.

The draft LAP (**Attachment 1**) has been prepared with significant input from the relevant sections of Council that issue local approvals. It is based on the current LAP that is in place, with proposed amendments/inclusions highlighted in yellow, with strike-throughs identifying proposed removals. The key proposed changes are summarised below, broken up by relevant section of Council:

Table 1: Summary of amendments to the current Local Approvals Policy

Section of Council	Amendment to draft Local Approvals Policy
Strategic Planning	<ul style="list-style-type: none"> • A number of administrative amendments and updates to names of legislative documents, including the commencement of the combined State Environmental Planning Policies, guidelines and Council policy references. • Update information, regarding certain Section 68 applications to be lodged via the NSW Planning Portal. • Inclusion of an additional legislative exemption under Part 1 (Section 77(d) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i>), enabling the installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster.

CL22.191

Regulatory & Trade Waste	<ul style="list-style-type: none"> • Inclusion of additional criteria for certain activities that generate waste and dispose of liquid trade waste into the sewer of the council. • Inclusion that Council may, at its discretion, renew an existing approval for the discharge of liquid trade waste to Council's sewerage system, where there have been no significant changes to the operations of the activity since the approval was initially granted. • Updates to factors to be considered for the disposal of liquid trade waste into the sewer of the council. • Restructured the information required for the registration of new cross connection and backflow prevention devices.
Development Services	<ul style="list-style-type: none"> • Inclusion of additional local criteria: <ul style="list-style-type: none"> – Requiring amusement devices to be adequately tied down, appropriate to their design to prevent tipping or uplift by wind or other dynamic forces. – Enabling Council to request copies of the relevant approvals and insurance documentation to accompany applications to install or operate amusement devices.
Environmental Health	<ul style="list-style-type: none"> • Restructured criteria and advice for Mobile Food Vehicles in a public place. • Restructured criteria and advice for the sale of food and articles in a public place. • Inclusion of a note providing users clarification that legislative exemptions under Section 77(a) – (c) pertain solely to the caravan or campervan itself. The note also clarifies that the term caravan includes a tiny home/house. • Inclusion of additional legislative criteria relating to sewage management facilities, including: <ul style="list-style-type: none"> – Standards to be met for approval. – Sewage management facilities generally. – Closets for certain toilet systems. – Cesspits. – Mechanical waste treatment devices. • Inclusion of additional legislative criteria for the application of subdivision and facilities to be accredited in relation to sewage management facilities. • Inclusion of additional local exemption for the manual collection and re-use of grey water via a small bucket or similar receptacle.
Water Asset Planning & Development	<ul style="list-style-type: none"> • Updated references to the Liquid Trade Waste Management Guidelines 2021.
Certification & Compliance	<ul style="list-style-type: none"> • Inclusion of detailed criteria enabling the installation of a moveable dwelling or associated structure to accommodate a person displaced as a result of a natural disaster to be exempt from the need for approval.

CL22.191

A report detailing the following: 'Proposal – On-site Sewage Management Charges to Rates' will be considered at a future Council meeting. If Council separately resolves to support applying charges for on-site sewage management to the Annual Rates Notice for affected properties, minor administrative changes will also need to be made to Section 4.2 Other

Matters Relating to Approvals (*On-site Sewage Management Systems – C5 & C6 activity – Council Monitoring*) of the LAP to reflect this prior to exhibition.

NSW Temporary Recovery Pod Accommodation Program

The 2019-2020 bushfires destroyed 312 homes within Shoalhaven. As of 21 March 2022, Council has approved 119 development applications (DA's) for replacement dwellings and 97 DA's for 'other buildings' on bushfire affected properties. A number of rural and remote property owners that were affected by the bushfires have been supported to rebuild their homes through Resilience NSW's Temporary Recovery Pod Accommodation Program (the Pod Program). The Pod Program allows Recovery Pods to be leased free of charge to recipients and placed on a person's property for a period of up to two years, in line with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, to enable the residents to live on their property while they rebuild.

Many of the Pod Program recipients have completed their rebuild within initial two-year period, however there are a small number who, despite their best efforts, require longer than the two-year limit to finalise their rebuilds. The NSW Department of Planning and Environment (DPE) recently amended the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* to allow Councils to extend the current two-year limit on temporary accommodation through their LAP.

Following discussions with Resilience NSW, the draft LAP at **Attachment 1** seeks to insert Section 77(d), enabling the installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster, under Part 1 (Exemptions) and specify the timeframe to be three (3) years.

The two-year period initially granted to recipients of the Pod Program is anticipated to lapse from 1 July 2022. If the new LAP is not finalised prior to the expiration of the two-year leases, it is recommended that Council resolve not to take any compliance action against recipients of the Pod Program, provided they are operating in accordance with Resilience NSW processes. This is consistent with the approach that is being undertaken by [Bega Council](#).

Conclusion

It is recommended that the draft LAP at **Attachment 1** be placed on exhibition for community comment in accordance with legislative requirements. As the draft LAP includes the following three local exemptions under Part 1 (Exemptions), consent is required from the Chief Executive Officer of the NSW Office of Local Government (OLG) for the adoption of that part following the adoption of the draft LAP by Council:

- The installation of a moveable dwelling or associated structure to accommodate a person displaced as a result of a natural disaster
- The disposal of liquid trade waste into the sewer of the council
- Domestic grey water diversion.

Any changes required by OLG (if any) will be reported back to Council prior to finalisation.

Resilience NSW's Pod Program has enabled recipients to remain connected to communities and local support networks throughout their rebuild and recovery journey. Amending the LAP to enable recipients to remain on their land until the completion of their rebuild is consistent with other NSW councils approaches and will provide clarity for bushfire-affected people that Council is willing to work with them through the development assessment and building processes.

CL22.191

Community Engagement

The LG Act requires the draft LAP to be publicly exhibited for a period of 28 days and receive comments for 42 days from the commencement of the exhibition period. Following public exhibition, a report will be prepared to consider submissions received during the 42-day period.

Financial Implications

The public exhibition of the draft LAP will continue to be resourced from the existing Strategic Planning budget.

Risk Implications

Under Section 77 of the LG Act, Council is required to bring the relevant matters relating to local approvals to the notice of intending applicants. In accordance with Section 165 of the LG Act, all LAPs are automatically revoked 12 months after the declaration of the poll for a general election of the Council. As such, Council needs to commence the process to adopt a new LAP for the current Council term otherwise Council will be unable to issue approvals for activities under Section 68 of the LG Act. It would be in the best interest of Council to progress the draft LAP to exhibition and then finalisation (with any changes as required), to enable Council to meet its obligations under the LG Act.

Not progressing the inclusion of Legislative Exemption Section 77(d) relating to the Pod Program or resolving to not take compliance action on recipients of the Pod Program, may cause unnecessary stress for recipients if the LAP is unable to be finalised prior to the end of financial year.

It would be in the best interest of Council to progress the draft LAP to enable Council to meet its obligations under the LG Act.

CL22.191

CL22.175 Public Exhibition Outcomes - Planning Proposal PP026 - Coastal Hazards Review (revised approach)

HPERM Ref: D22/112906

Department: Strategic Planning

Approver: Gordon Clark, Strategic Planning Manager

Attachments: 1. Summary of Submissions - Coastal Hazards Review (revised approach) PP026 (under separate cover) [↗](#)

This item was deferred from the Ordinary Meeting 11 April 2022.

Reason for Report

- Report the outcomes of the public exhibition of Planning Proposal (PP) PP026 – Coastal Hazards Review (revised approach).
- Enable the resultant amendments to Shoalhaven Local Environmental Plan (LEP) 2014 to proceed to finalisation.

Recommendation

That Council:

1. Adopt the Planning Proposal (PP026) as per Option 1 in this report and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.

Options

1. Adopt PP026 largely as exhibited, with further minor administrative amendments to the Coastal Risk Planning (CRP) Map legend to ensure consistency with existing clause 7.4 of SLEP 2014 and accurately reflect risk associated with the wave runup line.

Implications: This is the preferred option as it will ensure the amendments to Shoalhaven LEP 2014 proceed to finalisation with appropriate changes to the mapping legend. Amendments to the CRP Map legend will ensure consistency between the wording in Clause 7.4 of the LEP and the CRP Maps. Adopting PP026 will implement the intention of Council's earlier resolution (MIN20.715), remove uncertainty between the CRP Maps and Council's adopted coastal hazard mapping, and ensure a consistent application of the CRP Map across Shoalhaven.

2. Adopt PP026 with further amendments to the CRP Map legend and LEP Clause 7.4 to ensure consistent wording used between LEP Clause 7.4 and the CRP Maps and accurately reflect risk associated with wave runup line.

Implications: As per Option 1, however the slight amendment to the LEP instrument (Clause 7.4) will also require the involvement of the NSW Parliamentary Counsel's Office

(PCO) and may delay finalisation of amendment, whereas the map-only LEP amendment in Option 1 could be drafted by the NSW Department of Planning and Environment (DPE). The additional Instrument change is not critical to the proposal.

3. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could delay the progress of the LEP Amendment. It is noted that the Gateway determination will expire on 26 May 2022.

4. Not adopt the recommendation.

Implications: This option is not recommended as the CRP Maps will remain outdated and inconsistent with Council's latest adopted coastal hazards data.

Background

Through ongoing work, some public and private properties along the coast in Shoalhaven have been identified as being at risk from coastal hazards. Council's planning instruments (LEP and DCP) assist to help manage this identified risk into the future.

The Coastal Risk Planning (CRP) Map in the LEP currently identify land to which LEP Clause 7.4 (Coastal Risk Planning) applies. The current CRP Map is based on the coastal hazards data available at the time the LEP initially commenced (22 April 2014), however, new studies have since been completed, and as such, the CRP Map has become outdated as a result. This is the key reason the LEP needs to be updated.

Council substantially progressed an earlier version of PP026 in 2018, which sought to remove the CRP Maps and rely instead on the more detailed [Shoalhaven Coastal Hazard Mapping](#) that is publicly available on Council's website. An amendment to LEP Clause 7.4 was also intended as well as an amendment to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) to remove eleven (11) maps sheets in Schedule 5 'Land excluded from the Housing Code, Inland Code or Low Rise Housing Diversity Code', which are based on Council's superseded coastal hazard data.

The original PP026 received endorsement from Council, followed by a favourable Gateway determination from the Department of Planning and Environment (DPE), the PP was publicly exhibited from 6 February to 8 March 2019 and a well-attended Community Information Session was held on 26 August 2019. Council then resolved on 5 November 2019 (MIN19.818), to adopt the PP as exhibited and seek to finalise the LEP amendment.

However, frustratingly and disappointingly, Council received new advice from DPE on 30 June 2020, that PP026 (original version) could not proceed, as the proposed removal of the CRP Maps from the LEP (for which DPE had issued a Gateway determination for) was inconsistent with DPE's policy position.

Council then considered its options for moving forward, and on 6 October 2020, it was resolved (MIN20.715) that Council:

1. *Amend the Coastal Hazards Review Planning Proposal (PP026) as per Option D in the body of this report.*
2. *Submit the revised PP026 to the NSW Department of Planning, Industry and Environment for a revised Gateway determination (if required) and, if favourable, proceed to formal public exhibition in accordance with the terms of the determination and legislative requirements.*

3. *Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the resolution and public exhibition arrangements.*
4. *Receive a further report on PP026 following the conclusion of the public exhibition period.*

Coastal Hazards Review (revised approach) (PP026)

As a result, the revised approach to PP026 seeks to retain the CRP maps in the LEP, but amend the content to better reflect the latest technical data separately prepared and adopted by Council and specify the category of coastal hazard that is currently associated with the land.

These changes will ensure the LEP reflects the most up to date and accurate coastal hazard data that Council holds and aligns with terminology used in Shoalhaven Development Control Plan (DCP) 2014 and eventual Section 10.7 Planning Certificates. The SEPP maps are intended to be removed as originally proposed.

Council received a favourable Gateway determination for the revised approach on 26 May 2021.

Mapping

The CRP Maps ensure coastal risk is a consideration in the assessment of development on the land. PP026 proposes that all properties affected by coastal hazards, as per the most up to date data, or that are seaward of identified coastal hazards, will have the CRP overlay applied to the entire lot.

The reasons for this particular mapping approach are as follows:

- **For regulatory clarity:** if any part of a property is affected by any of the coastal hazard lines or coastal hazard areas then Clause 7.4 will apply and coastal risk will be a consideration in assessing any proposed development. This does not mean that development controls or coastal hazards as such apply to the entirety of the lot, it is essentially a trigger. Finer details are presented (and are publicly available) in the Shoalhaven Coastal Hazard Mapping and the relevant controls are found in SDCP 2014 [Chapter G6: Coastal Management Areas](#). The amended CRP Maps are applied to both private and publicly owned land.
- **For consistency:** there is some variation in how the current CRP Maps are applied across different parts of Shoalhaven. For the most part, the existing CRP Map applies to the entirety of affected residential lots as discussed above. Council is required to retain a CRP Map in its LEP. The approach proposed in PP026 is simplified and consistent across the LGA – this ensures consistency.

The intention behind identifying the category of coastal hazard (currently proposed in the PP to be Beach Erosion Hazard, Cliff Slope/Instability Hazard, Coastal Hazards Areas) is to improve consistency between the LEP CRP Maps, DCP and eventual 10.7 Planning Certificate terminology.

- **To reduce administrative burden:** if the coastal hazard lines are updated and change in future as a result of new information being adopted by Council, the CRP Maps in the LEP may also need to be updated. If the coastal hazard lines shift within an affected lot, the requirement to update the CRP Map for that property is minimised under the proposed approach as the maps simply flag that coastal risk needs to be considered. There is no need for the CRP Maps to attempt to delineate the coastal hazard/s precisely as those details are already publicly available elsewhere.

PP026 does not introduce new coastal hazards information or development controls that apply to any given property by amending the CRP Maps. The PP seeks to reflect coastal hazards data that has **already been adopted by Council**. The development pathway (development application assessed by Council) remains the same for the majority of properties. Only those properties proposed to be removed from the CRP Maps, being those properties showing no coastal hazards affectation in the most up to date coastal hazards data, will notice a meaningful change due to lifting the requirement to consider LEP Clause 7.4 or restrictions under Codes SEPP (at least in relation to coastal hazards) for these properties – a small number of lots are in this position. For these reasons, the amendments to the CRP Maps are for the most part considered to be administrative in nature.

Council staff have liaised with internal and external (DPE) stakeholders in the development of the amended CRP Maps.

Government Agency Feedback

As required by the Gateway determination, the PP was referred to the following NSW Government agencies prior to public exhibition:

- NSW Department of Planning, Industry and Environment - Energy, Environment and Science Division - Estuaries, Coast and Floodplain Team.
- NSW Rural Fire Service.

No objections, concerns or issues in relation to the PP were raised by either agency.

Public Exhibition

The Gateway determination required the PP to be exhibited for a minimum of 28 days, which is also consistent with Environmental Planning and Assessment Regulation 2000. Accordingly, the PP and supporting documents were publicly exhibited for a period of 30 days from 17 November to 17 December 2021 (inclusive) on [Council's website](#).

PP026 was exhibited concurrently with the Coastal DCP Amendment. The exhibition outcomes of the Coastal DCP Amendment are detailed in a separate report to this Council meeting.

The PP exhibition documentation included the following:

- [Exhibition Notification](#)
- [Explanatory Statement](#)
- [FAQs](#)
- [Planning Proposal](#)
- [Gateway Determination](#)

All directly affected landowners, as well as CCB's and relevant development industry representatives were notified directly in writing prior to the commencement of the exhibition.

Various landowners in Callala Beach advised that their notification letters were received late and requested further time to consider the proposed amendments. An extension to 24 January 2022 was extended to these landowners in Callala Beach to provide further submissions, and this was later extended to 7 February 2022.

Outside of the Callala Beach area, two other extension requests were made within the exhibition period and extensions for each were granted until 24 January 2022. Each landowner sought advice from consultants. One ultimately decided not to provide a submission, the other provided a submission but did not comment on any particular aspect of PP026 (comments related to Coastal Amendment to the DCP and other existing provisions in the DCP).

During the PP exhibition period approximately sixteen (16) phone enquiries were received plus a small number of email enquiries. Some further phone enquiries were received after the exhibition period.

Forty five (45) formal submissions were received in total, including:

- Forty two (42) from Callala Beach (including 12 form letters and a handful of additional variations), a few just requesting extensions.
- One (1) submission from Culburra – submission did not relate to the PP, only the Coastal Amendment to the DCP.
- Two (2) from Mollymook:
 - Submission 1 - Request for an extension to comment, but no submission was received.
 - Submission 2 – Commented on minor hazard line encroachment and existing approach to CRP Map.

Twenty five (25) of the total submissions were received within the exhibition period. Forty four (44) submissions were from individual landowners with one (1) submission from the Callala Foreshore Alliance.

Table 1 below provides a summary of the key or recurring themes raised in the written submissions, as well as Council staff comments. Many of these themes reflect the particular concerns of respondents from Callala Beach.

Attachment 1 provides a summary of each submission received. Copies of the submissions can be provided to Councillors prior to the meeting if required.

Table 1: Summary - key submission themes - Coastal Hazards Review (revised approach).

Submission Theme	Staff Comment
Did not get the letter or received letter late.	Council mail merge indicates the notification letter was sent to all affected landowners prior to exhibition. Extensions of time to comment granted for all landowners who requested one.
Concern about “rezoning entire lot as Beach Erosion Hazard”.	The PP does not rezone land. It identifies land where Clause 7.4 applies and coastal risk to be considered in development. Most properties are already largely captured by the existing mapping that supports the clause. The proposed CRP Maps also identify the existing coastal hazard category (e.g., beach erosion hazard). There is no change to development potential or development stream (DA required in both current and proposed scenario). Coastal hazard affectation remains the same.
Concern about impact on property values, insurance, finance.	The PP does not change the existing coastal hazards affectation or ability to develop.
Concern that the amendments are significant and are being snuck through without proper consultation.	The PP is contended to be largely administrative in nature. It mainly seeks to make the mapping methodology consistent across the LGA and reflect Council’s most current adopted coastal hazard study data. The PP has been exhibited in accordance with legislative/ Gateway requirements. It is also noted that the earlier version of the PP was also separately exhibited.
Information provided insufficient / too onerous.	Noted, however Explanatory Document and detailed FAQs were prepared for the public exhibition to communicate the intent of the PP more succinctly. There was general appreciation across City for the thoroughness of the information provided. Not all submitters called Council for clarification.

Comments regarding historical trends and veracity of adopted coastal hazards data.	Not relevant to scope of PP026. The underlying data has already been separately prepared and adopted by Council; the PP simply uses and reflects this data in a consistent approach.
Applying the CRP Map to entire lot will mean additional onerous development controls in order to satisfy clause 7.4.	LEP Clause 7.4 needs to be considered regardless of a part or whole lot mapping approach; however, development controls are set out in DCP 2014 Chapter G6 and are applied depending on detail of coastal hazard/s as per Shoalhaven Coastal Hazard Mapping. PP026 proposes no change to existing development controls or coastal hazards data. No change to current development pathway (DA assessment).

Councillors were briefed on the background to the PP and the outcomes of the most recent exhibition on 3 March 2022.

Post-Exhibition Amendments

Following the exhibition, it is considered appropriate to make a minor adjustment to the labelling of the CRP category in the legend of the CRP Maps. This amendment does not change the intent of the PP but seek to maintain consistency between LEP Clause 7.4 and the CRP Maps.

Wording in LEP Clause 7.4 currently refers to land identified as 'coastal risk planning area' in the CRP Maps. The proposed CRP Maps identify three categories of existing coastal hazard affectation:

Beach Erosion Hazard

- Cliff/Slope Instability Hazard
- Coastal Hazard Area

The wording in the LEP clause needs to correspond with the wording used in the CRP Map. Therefore, an amendment should be made to the wording in the proposed CRP Map legend (preferred option), or LEP Clause 7.4, or both (option 2).

Essentially, it is recommended that 'Coastal Risk Planning Area:' be inserted before the labels of the three categories of coastal hazard, as outlined in the following table. There is also an opportunity to improve the wording in the three categories to account for the wave runup line which identifies a risk more accurately described as 'oceanic inundation' rather than 'beach erosion'. This change will better reflect current wording in the relevant section of DCP Chapter G6. Amending the wording for some categories may also help to alleviate concerns raised in submissions about applying the word 'hazard' to lots.

CRP Category in Legend	Coastal Hazards Data Covered
Beach Erosion Hazard Coastal Risk Planning Area: Beach Erosion/Oceanic Inundation	<ul style="list-style-type: none"> • Coastal hazard line 2030 • Coastal hazard line 2050 • Coastal hazard line 2100 • Wave runup
Cliff/Slope Instability Hazard Coastal Risk Planning Area: Cliff/Slope Instability	<ul style="list-style-type: none"> • 50yr 50% cliff recession line • 50yr 5% cliff recession line • Estimated cliff line

CL22.175

<p>Coastal Hazards Area</p> <p>Coastal Risk Planning Area: Coastal Hazards Area</p>	<ul style="list-style-type: none"> • Additional lots subject to potential cliff recession hazard. DA's to require detailed Geotech assessment • Geotech Assessment Required 2016
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Alternatively, an amendment to LEP Clause 7.4 could also be considered (in addition to the CRP Map legend minor amendment), to specifically identify the proposed three categories of coastal hazards, however, it is considered that the current LEP Clause 7.4 is adequate to communicate Council's intent.

DPE have advised that amending either the CRP Map or clause 7.4 is acceptable (re-exhibition would not be required), but amendments to the clause will require input from the NSW Parliamentary Counsel's Office whereas an amendment only to the CRP Map legend would be the simplest approach as it can be done by DPE.

It is noted that the Gateway determination will expire on 26 May 2022.

Upon consideration of the submissions received, no further changes to the exhibited amendments are considered necessary.

Conclusion

Other than the minor post exhibition amendments to the CRP Map legend labels, discussed above, it is recommended that PP026 be progressed to finalisation largely as exhibited.

Policy and Risk Implications

The CRP Maps identify land to which LEP Clause 7.4 applies, and it is important that these maps clearly identify relevant properties and follow a consistent approach to ensure that proper consideration of coastal risk given where required.

PP026 proposes an amendment to the CRP Map in the LEP to ensure it is consistent with Council's separately prepared and adopted coastal hazards data. PP026 does not propose a change in Council's existing policy settings, however some land will be removed from the CRP Maps and other land will be added to reflect adopted data.

Generally, complying development cannot be undertaken on land affected by the CRP Maps/coastal hazards. As such, the intent of PP (including removing the SEPP maps), will not result in any change to development approval streams. Land proposed to be removed from the SEPP maps and CRP Maps may no longer have any restrictions on the ability to undertake complying development (depending on other land based restrictions that may or may not apply).

Ensuring a consistent mapping approach (whole lot mapping) across the LGA will assist in managing risk to Council associated with identifying and managing coastal hazards.

Financial Implications

The finalisation of PP026 and any future amendments to the CRP Maps that may be required will continue to be resourced from the Strategic Planning budget.

Due to the proposed removal of the SEPP maps, Council does not have delegated authority to finalise PP026 – this will be done by DPE.

CL22.192 Support for Carnivals, Festivals and Events

HPERM Ref: D21/479656

Department: Tourism

Approver: Carey McIntyre, Director - City Futures

Reason for Report

Report SA21.203 *Update - Huskisson Christmas Carnival - Public Liability Insurance for Events* proposed that Council receive a report outlining options for event funding, in particular for local Agricultural Shows.

Recommendation

That Council:

1. Receive the report on Support for Carnivals, Festivals and Events for information and recognise that Events, Festivals and Carnivals are currently supported in various ways as referenced in the report.
2. Request that staff review the current Event Application Process in line with feedback from Show Societies outlined in this report. The review will include a focus on streamlining the Event Application Process with recurring community events.

Options

1. As recommended.

Implications: The current nature of support for Carnivals, Festivals and Events will continue as is. Staff will review the Event Application process to make it more user friendly for recurring events.

2. Council makes a different determination.

Implications: Not known.

Background

At its Ordinary Meeting of 28 September 2021, Council resolved (MIN21.654) in part to:

1. *Receive a report outlining ways that the Council can best support carnivals, festivals and events, including agriculture shows within the local government area given the current insurance market and economic pressures arising recent cancellations due to COVID-19 and bushfires. These are important community events.*

Following this resolution, report SA21.203 *Update - Huskisson Christmas Carnival - Public Liability Insurance for Events* was considered at the Strategy & Assets Committee meeting of 12 October 2021. That report proposed that there be a further report to Council outlining options for event funding, in particular for local Agricultural Shows. The present report seeks to provide this information for Council's consideration.

Overview

Below is an overview of the various ways Council are supporting events.

CL22.192

Shoalhaven Tourism

Tourism Event Support

Shoalhaven Tourism operates the [Tourism Event Support Program](#), which is designed to support events that attract overnight tourism visitation in the off-peak season. While this program is targeted towards driving economic benefit, these types of events also assist in providing vibrant & liveable communities. Community benefit and fit is considered within the assessment criteria. Some tourism events, such as Burradise and StoryFest, deliver both tourism and community outcomes.

Under this program, eligible events must meet the below criteria:

- Ability to increase tourist visitation to the Shoalhaven including intra and interstate visitors
- Must occur outside of recognised peak periods to drive visitation when we are not already busy
- Demonstrate the ability to deliver significant and measurable economic benefit to the Shoalhaven
- Ability to facilitate business and community involvement in the event
- Ability for the event to add to the diversity of the regions event calendar
- Incorporate strategic and targeted marketing practices in its planning and implementation
- Capacity to be an ongoing and financially sustainable event
- Involvement of, and consultation with, local business, community and tourism groups; and
- The Organisation must acknowledge the Shoalhaven Council sponsorship via all advertising and marketing undertaken.

Outside of this program, Shoalhaven Tourism is in regular contact with Chambers and Event Organisers across the region and, where possible, connect organisers with relevant funding opportunities as they arise.

Over the last 12-24 months Shoalhaven City Council, through the Tourism team, supported community events in the following ways:

1. Shoalhaven River Festival - Yearly donation of \$20,000.

2. The Festival of Place - Summer Night Fund

Through this fund, \$15,000 has been secured for the below two community events, both of which are new events to the Shoalhaven in 2022.

Event Name	Amount Funded
Burradise Live at Sunset	\$7,500
Summer at Sussex - Vibe in the Village	\$7,500
Total (excl. GST)	\$15,000

3. Bushfire Community Resilience & Economic Recovery Grant

In 2020 Shoalhaven Tourism secured \$285,000 in grant funding which was dispersed to the following community events (including various Agricultural Shows). All funding for this grant has been administered, although 5 events are yet to go ahead due to COVID-19 restrictions.

Event Name	Amount funded	Gone ahead (Y/N)	Year
Milton Show	25,000.00	Yes	2020
Kangaroo Valley Show	25,000.00	Yes	2020
Ulladulla Blessing of the Feet	50,000.00	Yes	2020
StoryFest	25,000.00	Yes	2021
SeaChange Festival	25,000.00	Yes	2020
Nowra Show	50,000.00	Yes	2020
Total	\$200,000.00		
Shoalhaven Readers & Writers Festival	2,800.00	No	-
Watch and Act Show	8,727.27	Yes	2021
Wire & Weeds Field Day	9,200.00	Yes	2020
Coming out of Adversity	12,500.00	No	-
Salon of Local Artists	1,272.73	Yes	2020
Berry Celtic Festival	1,300.00	Yes	2021
Berry Small Farm Field Days	1,300.00	No	-
The Happiness Symposium	5,000.00	Yes	2020
Didgeridoo Academy Workshop and Mentoring Program	3,500.00	Yes	2020
Our Town Music Festival	12,500.00	No	-
Shoalhaven Home, Petal and Paws	5,800.00	Yes	2021
Vincentia Winter Festival	8,900.00	No	-
Changemakers Film and Showcase Event	12,500.00	Yes	2021
TOTAL	\$85,300.00		

CL22.192

Council via the Governance Team

Donation Grants

The following community events have traditionally received an annual Allocated Donation under Council's Donations Program. Under the proposed new Donations Policy (details included in a separate report to Council 14 March 2022) community events will remain eligible for funding, however all will be required to reapply for funding year-on-year as opposed to receiving an allocated donation each year. This process is designed to be more transparent and ensure that funding is equitably distributed across events.

Past Community Event Donations

Event	Organiser	Allocated Donation	Note:
Berry Celtic Festival	Rotary Club of Berry	\$2,000	Processed & Paid
Blessing of the Fleet Ulladulla	Blessing of the Fleet Committee - Rotary Club of Milton Ulladulla	\$15,000	Not Processed - Waiting on response
Carols by Candlelight	Milton Ulladulla Business Chamber	\$2,500	Using funds from cancelled 2020 event
Carols in Harry Sawkins Park	Lions Club of Bomaderry	\$5,425	CANCELLED

Easter Carnival Huskisson	White Sands Festival Committee (Lions Club of Jervis Bay)	\$2,000	CANCELLED – possible repurpose of funds for replacement event
Family Day Out	Shoalhaven Turf Club	\$6,000	**CANCELLED
New Year's Eve Fireworks - Berry	Rotary Club of Berry	\$7,500	Processed & Paid
New Year's Eve Fireworks - Huskisson	Huskisson Chamber of Commerce	\$7,500	Processed & Paid
New Year's Eve Fireworks - Nowra	Shoalhaven Turf Club	\$7,500	**CANCELLED
New Year's Eve Fireworks - Ulladulla	Lions Club of Ulladulla Milton	\$8,500	Processed & Paid but now CANCELLED as of last week 8/12/21
New Year's Eve Fireworks - Shoalhaven Heads	Shoalhaven Heads Chamber of Commerce & Tourism Inc.	\$5,000	Processed & Paid

In addition, the following Australia Day Events have traditionally received donations:

Mollymook	Lions Club of Ulladulla Milton	\$11,945	Total of \$12,930 for 2022 event as per request
Nowra	Rotary Club of Nowra	\$15,000	Currently being processed at the time of writing this report.
Callala Bay	Callala Bay Community Association	\$1,200	\$1100 paid for 2022 event as per request
Berry	Rotary Club of Berry	\$3,500	\$4250 paid for 2022 event as per request

Agricultural Shows

Current funding

As well as facility hire, materials and staffing assistance (see below), local Show Societies have in the past received funding from Council and other Government organisations. For example:

- \$6,000 to assist the Nowra Show Society to deliver and stage the 2020 Nowra Show (MIN20.58, Unallocated Donation)
- Funding through the Bushfire Community Resilience and Economic Recovery Fund (see above).
- \$2,000 to the Milton Show Society in 2019 (Holiday Haven Tourist Parks)

CL22.192

Additional funding sources currently available to Agricultural Shows

Country Shows Support Package: As part of this package of \$5 million NSW Show Organising Committees are eligible to apply for funding for Country Shows occurring in 2022.

Under the **Regional Agricultural Show Development Grants Program** Agricultural Shows can apply for funding through the following programs.

1. Crown Lands Improvement Fund: Under this program, funding is available to eligible regional show societies for the maintenance and upgrade of existing infrastructure and the building, purchase, rent or construction of new infrastructure related to the running of an agricultural show on regional showgrounds.
2. Supporting Agricultural Shows and Field Days Program Round Two: The program aims to relieve cash flow pressures in regional Australia by providing one-off payments to eligible agricultural show societies and agricultural field day organisers to reimburse their eligible expenses for cancelled shows and field day events.

Funding Council has secured for upgrades to Showgrounds

Showground Stimulus Grants: A total of \$1,177,398 in funding is currently being expended at four showgrounds, delivering upgrades to deteriorating lighting, buildings, fencing and livestock handling infrastructure, air conditioning, solar power and batteries, accessible pathway and amenities building at Milton, completion of floodlighting at Nowra, replacement of Animal Nursery at Berry, drainage, surface reshaping and fencing at Kangaroo Valley.

Bushfire Local Economic Recovery Fund: Planning is underway for the delivery of \$4,035,367 improvements to camping and livestock handling facilities at four showgrounds. This will enhance service provision for large events, stimulating local economies and improving emergency event management.

Local Roads and Community Infrastructure Program: \$400,000 for upgrade of Milton Showground internal roads.

Crown Reserves Improvement Funding: \$100,689 update audio system to main arena, and \$50,320 sealing entry roads Nowra Showground.

Stronger Country Communities Fund: \$536,724 to re-roof the Nowra Showground Pavilion, connecting walkways and Committee Room

Staff ongoing support to Agricultural Shows/Societies

- Each show society has a designated contact to direct enquiries to at Council.
- Council staff communicate with show societies on an ongoing basis.
- All agricultural show societies have free use of the entire facility throughout the year.
- Showgrounds are kept safe and well maintained year-round.

Stakeholder feedback from Show Societies

Council staff consulted Show Societies in January 2022 to seek feedback on the current nature of Council's support and to identify any future opportunities.

Overall feedback from Show Societies was positive. Some feedback was received regarding the time-consuming nature of the Event Application Process for the community groups and this has been considered in the recommendation of this report.

Overview of feedback from meetings

What is working well

- Nowra Show Society
 - Generally happy with support from Council.
 - Happy with level of support offered. Master Plan is nearing completion and appointment of a new Council staff caretaker position is in process.
- Milton Show Society
 - Feel that the main contact they have for council is helpful, the showground is well-serviced and the Show Society feels well supported by Council.
 - Noted that assistance with identifying and completing grant applications is important. The current staff structure has made this process easier in recent times and excellent support has been offered.
- Kangaroo Valley Show Society:
 - Happy with council staff relationship and feel staff are responsive.
- Berry Show Society:
 - Minimum input from Council required at present. Master Plan is nearing completion.

Areas for improvement

- Nowra Show Society:
 - Concern that the number of events using the showground is increasing and there is not sufficient time between events.
- Milton Show Society:
 - Internal roads need re-sealing. *NOTE: Staff are aware of this matter and a tender for this will open shortly for Stage 1, which will seal 40% of the showground roads with future works to be considered by Council as part of the budget process.*
 - Event Application for the annual show requires considerable detail and volunteers often find this process onerous.
- Kangaroo Valley Show Society:
 - Event Application process is time consuming for volunteers.
 - Would like to see more opportunities to collaborate with other show societies and suggested a yearly workshop where show societies brainstorm ideas and consider how they could attract a wider audience.
 - Greater assistance and guidance with grants.
- Berry Show Society:
 - Could assist by providing staff to prepare grounds for showtime as extra attention to detail is required.
 - Event Application Timeframes identified as a challenge.

In-Kind Support offered to Show Societies

\$ Contributions	A&H Society, Kangaroo Valley		Berry Show Society		Nowra Show Society		Milton Show Society	
Waived Hire Fees	KV Show 16 days set-up & show	\$23,808	Berry Show 8 days set-up & show	\$27,000	Nowra Show 21 days set-up & show	\$41,160	Milton Show 9 days set-up & show	\$25,812
Waived Hire Fees	Meetings and small events throughout the Year	\$552	Meetings and small events throughout the Year	\$528	Meetings and small events throughout the Year	\$3,055	Meetings and small events throughout the year in foyer, 1/mth	\$456
Waived Hire Fees					Showgirl event judging 2 days	\$692	Team Penning Days – up to 4 days/year	\$3,024
Staff Labour	Show & pre-show inspections & follow-up 2 staff x 3hrs \$60ph	\$240	Show & pre-show inspections & follow-up 2 staff x 3hrs \$40ph	\$240	Show & pre-show inspections & follow-up 2 staff x 3hrs \$40ph	\$240	Show & pre-show inspections & follow-up 2 staff x 3hrs	\$240
Staff Labour					Set-up & Pack Down Annual Show	\$2,710		
Materials	Mulch Supply & Blue Metal	\$1,700	Barricades, Mulch & Blue Metal	\$1,700	Mulch Supply & Blue Metal	\$1,700	Road signage & barricades for show	
Total		\$26,300		\$29,468		\$49,557		\$29,532

CL22-192

Insurance

- Given this report was born out of Report SA21.203 Update - Huskisson Christmas Carnival - Public Liability Insurance, which resolved to allow the Huskisson Christmas Carnival to proceed with \$10 million in Public Liability Insurance it is important to acknowledge that it is still the expectation that all other events / shows (including Agricultural Shows) adhere to the existing minimum acceptable limit of \$20 million.
- Council has received advice from the experts at JLT (Insurance Advisers) who have reaffirmed their advice is still for insurance policies with limits of no less than \$20 million be the standard however should an event organiser be unable to purchase a policy which meets this amount (due to the current market restrictions limiting cover for the amusement industry) then a process should be in place which enables the individual circumstances to be reviewed and assessed on its merits with the ability for senior management to accept or reject the application for a lower amount.
- Council has also received advice from the experts at JLT that the situation concerning the withdrawal of market capacity for the amusement industry is likely to be a short-term problem which will be corrected when underwriter confidence returns to the market however it is not possible to provide an initiative timeframe as to when underwriter appetite will return to the risks presented by the amusement industry.

Community Capacity Building – Community Events

The Community Capacity Building Team leverages events when they can help to deliver the desired community outcome and build community capability. It is important to note they are not an events team, but leverage events in a strategic way to benefit community.

Currently they support the community through the following events:

1. [The Shoalhaven Open Air Cinema Roadshow](#): The desired outcome of this is to unite community through a free and accessible event. There are 6 events across the region from Jan - April, each with a capacity of 250. To attend patrons are required to register via Eventbrite. The majority of tickets sold out within 24 hours of registration opening.
2. Offer in-kind support for National Observance Days i.e. NAIDOC Week, Youth Week, Seniors Festival, International Day of Persons with Disability.
3. Community Events are eligible for funding through the following grant programs. These grants are a tool for the team to build community capacity and provide resources for the community to be involved in the delivery of activities and events across the Shoalhaven.
 - COVID Response (Relief & Recovery) Grants – live in November 2021
 - Community Wellbeing Grants
 - East Nowra Skills Development Grants
 - Youth Week and Seniors Festival Grants - Open for community Events
 - International Person with Disability Day – Grants available for 2022/23 events
4. Community Connection Fairs – these events are themed e.g. Doing It Tough, DV, Children & Families, Seniors etc and provide a space for local service providers to connect with community.
5. Community Voices – community connection and relationship building. Building trusting relationships. Occurs fortnightly and pops-up in different towns and villages across the LGA every two weeks.

Nowra CBD Revitalisation Committee

The Nowra CBD Committee is in the process of employing a 'Place Maker' who will deliver the Revitalising Nowra Action Plan 2021-23.

This action plan includes various community initiatives, many of which include Community Events that will be held in the Nowra CBD.

Included in this program are Monthly Food Markets, a Surprise Saturday program and an annual Christmas Wonderland event in Nowra.

Final Summary

A review of feedback and Council's involvement in community Events, Festivals and Carnivals indicates that Council currently supports community events in various ways, both financially and in-kind, and any further support would require additional resourcing. A summary of the report is outlined below:

- Agricultural Shows may be eligible for funding through Council's Donations Policy noting that the application will be reviewed against the donations criteria and relevant event details and budget information must be disclosed in this process.
- The standard of communication as well as support for Show Society initiatives has been identified as excellent by the Committee Chairs.
- Council staff conduct regular meetings with the Milton, Berry, Kangaroo Valley and Nowra Show Committees.

- In line with developments occurring at the Nowra Showground, a Project Control Group has been established and operating for 2 years. The group oversees developments at that showground and keeps the Committee informed.
- As per the recommendation, Council staff have considered feedback put forward by Show Societies and will review the current Event Application process in line with this feedback.
- The Community Connections Team strategically uses events to deliver positive community outcomes and has various grant programs that community events are eligible for funding through.

CL22.193 Request To Form A New Committee - Shoalhaven Economic Growth and Advocacy (SEGA) Group

HPERM Ref: D22/153392

Department: Tourism

Approver: Carey McIntyre, Director - City Futures

Attachments: 1. Draft Terms of Reference SEGA [↓](#)

Reason for Report

To:

1. Update Council on a workshop held with the Shoalhaven Tourism Advisory Group (STAG) and the Business, Employment and Development Committee (BEDC) on 21 March 2022.
2. Request both committees be disestablished, and a new committee be established in their place.

Recommendation

That Council:

1. Disestablish the:
 - a. Shoalhaven Tourism Advisory Group (STAG),
 - b. Business, Employment and Development Committee (BEDC)
2. Formally thank all existing members of the current committees for their volunteer service to Council.
3. Establish the “Shoalhaven Economic Growth and Advocacy (SEGA) Group”, and
 - a. Endorse the Draft Terms of Reference (see Attachment) as a final document
 - b. Request staff to
 - i. recruit for members of the newly established group, ensuring all retiring members of STAG and BEDC are given an opportunity to reapply for the new group.
 - ii. set up a schedule of meetings as per the Terms of Reference once new members are recruited.

Options

1. As written.

Implications:

- Two existing committees will be disestablished, and future meetings will be cancelled.
- A new committee will be formed.

CL22.193

2. Do not disestablish the Shoalhaven Tourism Advisory Group (STAG) and the Business, Employment and Development Committee (BEDC), leaving groups as they are.

Implications: Business will continue as usual. This is against the discussion in the workshop held in March 2022 and does not provide for the efficacy a combined Shoalhaven Economic Growth and Advocacy (SEGA) Group would offer.

3. Disestablish the Shoalhaven Tourism Advisory Group (STAG) and the Business, Employment and Development Committee (BEDC) and do not replace these groups with an alternative.

Implications: Council would not have a business and growth focused committee to provide strategic advice. This would likely be outside expectations of industry. Further, it also does not provide for the efficacy a combined Shoalhaven Economic Growth and Advocacy (SEGA) Group.

Background

Currently, Council has two long standing committees, the Shoalhaven Tourism Advisory Group (STAG) and the Business, Employment and Development Committee (BEDC). This has reflected the traditionally separate nature operationally of the Tourism and Economic Development staff in Council. With operational focus on bringing the teams together under the newly formed City Futures Directorate, community and business members of both groups approached staff to discuss opportunities for better collaboration and engagement with more industry collaboration.

As a result of these initial conversations, staff coordinated a workshop on 21 March 2022 to discuss opportunities for either greater collaboration between the two groups or possible merger opportunities.

It is acknowledged that the work of the STAG and the BEDC has achieved significant benefits for stakeholders in Shoalhaven City. Further, the work of both committees has provided a sound platform upon which the work of each can be progressed.

The working title suggested for the new Committee was the Shoalhaven City Advocacy and Growth Group, but the Shoalhaven Economic Growth and Advocacy (SEGA) Group is now recommended. It is considered the advent of the SEGA Group will promote the achievements of both committees and allow the work of the combined committee to remain contemporary and relevant for the future needs of the City.

Key outcomes of the SEGA Group would include:

1. Inform the development, implementation, and review of council economic growth strategies
2. Providing advice and make recommendations to Council on matters relating to business and economic growth in the Shoalhaven.
3. Provide advice and recommendations on key advocacy opportunities to support business growth in the region

Staff held a workshop with members of both committees in March 2022. There was discussion about what the role of both committees was, their benefits and the long-term opportunities for future collaboration.

It was agreed during this workshop that:

- The committees should not just be merged, but that they should be disestablished and that a new 'futures focused' group be established.
- Business people were busy and wanted to contribute to Council policy and planning.

- STAG members present felt keeping positions that were identified for tourism was important in any new committee with fears expressed that tourism might be lost in a larger economic scope.
- BEDC felt like strategic cross sector industry involvement was critical for success.
- There was mixed opinion about the role of other government agencies on the group, to reflect this in the Terms of Reference roles have been created for both voting and non-voting members, this recognises the importance cross government collaboration has on growth and advocacy outcomes.
- Regarding the approval process for drafting of a new Terms of Reference and reporting to council, industry representatives advised staff should 'just get on with it' and report it to Council as soon as possible.

Councillors present were Cllr Kitchener and Cllr Wells.

Policy Implications

If accepted, the SEGA Group will replace both the Shoalhaven Tourism Advisory Group and the Business Employment and Development Committee.

Financial Implications

There are no financial implications. Neither committee have budget allocations.

Risk Implications

Ongoing conversations with committee members have been positive, staff have followed up informally with some members who did not attend the workshop.

DRAFT Terms of Reference - Shoalhaven Economic Growth and Advocacy (SEGA) Group

Adoption Date:	[Click here to enter date]
Amendment Date:	
Minute Number:	[Click here to enter Minute number]
Review Date:	
Directorate:	City Futures
Record Number:	POL22/157

DRAFT Terms of Reference – Shoalhaven Economic Growth and Advocacy (SEGA) Group

1. Role and purpose of the Advisory Group

- Inform the development, implementation, and review of council economic growth strategies
- Providing advice and make recommendations to Council on matters relating to business and economic growth in the Shoalhaven.
- Provide advice and recommendations on key advocacy opportunities to support business growth in the region

2. Definitions

- **Economic growth** – growth associated with all aspects of commerce in Shoalhaven City, including tourism, business, investment, entrepreneurial activities events, sponsorship and the like.
- **Advocacy** – support, reinforcement, promotion and sponsorship (financial or non-financial) provided by Shoalhaven City Council and the SCAGG to support tourism, business, investment, entrepreneurial activities events, sponsorship and the like.
- **Council** – Shoalhaven City Council.

3. Relationship to Council

The Shoalhaven Economic Growth and Advocacy (SEGA) Group an advisory group of Council.

4. Delegated Authorities

SEGA

- Make recommendations on actions and priorities
- Provide feedback on economic growth key issues or growth opportunities
- Appoint suitable representatives to fill casual vacancies
- Research contemporary methodologies to achieve advocacy, business growth and economic development.
- Inform and recommend policy for business growth

5. Membership

The membership shall comprise of the following delegates:

Voting Participants

A maximum of eight skills-based industry representatives as follows

- Minimum of two positions to be held by representative/s from the tourism industry
- Maximum of six positions to be held by representatives from other industry growth areas
- The Mayor
- Two Councillors voting (as delegated by Council)

Non-Voting Participants

Political representatives

- *All non-delegated Councillors*
- *Member for Gilmore (or nominee)*

DRAFT Terms of Reference – Shoalhaven Economic Growth and Advocacy (SEGA) Group

- *Member for Kiama (or nominee)*
- *Member for South Coast (or nominee)*

Cross government and advocacy representatives

- *A representative of National Parks & Wildlife Service*
- *A representative of Regional NSW*
- *A representative of Department of Industry*
- *A representative of AusIndustry*
- *A representative of Regional Development Australia*

Business Associations and / or Chamber representatives

- *President, Shoalhaven Business Chamber*
- *President, Sussex Inlet District Chamber*
- *President, Milton Ulladulla Business Chamber*
- *President, Huskisson Business Chamber*
- *President, Kangaroo Valley Chamber*
- *President, Shoalhaven Professional Business Association*
- *Chair, Shoalhaven Defence Industry Group (SDIG)*

6. Election and Appointment**Industry Representatives**

- Appointment to the SEGA will occur every two years or thereabouts.
- Vacancies will be advertised locally via media, Council communication channels and industry networks
- Applications will be actively sought from appropriately skilled industry representatives
- Council will manage the application and appointment process.
- An interview panel will consist of the Tourism and Economic Development Manager, one internal staff member and a suitably qualified and independent representative/s (Minimum of 1 others) to assess the applications and make recommendations for appointments to Council

Councillors

Council will advise the Shoalhaven Economic Growth and Advocacy (SEGA) Group of its appointed representatives. Council at its discretion can replace representatives at any time.

7. Casual Vacancies

Should there be a casual vacancy; the SEGA will seek applications by the means set out in **Part 6** to fill these vacancies.

DRAFT Terms of Reference – Shoalhaven Economic Growth and Advocacy (SEGA) Group

8. Term of Appointment

- Appointments will be for a term of approximately two years
- 50% of the industry representatives will be required to stand for reappointment every two years

9. Duties of SEGA Members

- Represent whole of industry in sectors of expertise
- Actively participate in working groups as required
- SEGA members will undertake the prescribed Induction process
- Complete Pecuniary Interest Returns are required on appointment and annually as required by the Office of Local Government and Council

10. Executive Positions

The SEGA will appoint a Chairperson and Deputy Chairperson on an annual basis by a vote of members of the SEGA.

The role of Chairperson is:

- To chair the meeting and exercise functions, as determined by SEGA
- To be the spokesperson for the committee, as directed by SEGA.
- To advocate for SEGA and represent its decisions.
- To call extraordinary meetings of the SEGA
- The role of the Deputy Chairperson is to act as Chair when the Chair is not present at meetings.

11. Working Groups

The SCAGG will have the right to establish working groups as deemed appropriate to assist in fulfilling their role and purpose.

The Group to co-opt individuals as and when required, to contribute to an expert panel or special reference group.

12. Advisory Group Meetings

- Formal Advisory Group Meetings will be held no less than quarterly in a form and format as determined by SEGA
- Topics for the Agenda are to be forwarded to the Chairperson no later than 14 days prior to the meeting.
- Agenda and minutes from previous meetings will be circulated to members at least 7 days prior to the meeting.
- Members must declare in writing, or during the meeting, any interest in any report tabled at the meeting in line with the Code of Conduct.
- Informal SEGA meetings or special meetings will be held as and when required or set by the SEGA.

DRAFT Terms of Reference – Shoalhaven Economic Growth and Advocacy (SEGA) Group

- Costs associated with conducting meetings will be borne by Council on approval of the Tourism and Economic Development Manager.

13. Quorum

The Quorum is half the total of voting members total plus one, for example, if there are eleven industry members, the quorum is seven (5.54 (half) plus one).

14. Voting and Recommendations

- Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes
- Where a consensus cannot be reached at two consecutive meetings, then the majority of those present can adopt a recommendation
- Alternative views and general key discussion points are to be minuted
- Where staff deems an item requires SEGA guidance, an electronic vote via email will be conducted. Members will be required to vote within 72 hours of the vote request. Quorum rules apply in this instance. Results to be advised to the SEGA.

15. Communication

- Members of the SEGA are not permitted to speak to the media as representatives of the SEGA unless approved by the Chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the SEGA and not of Shoalhaven City Council
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

16. Parent to SEGA

Ordinary Council.

17. Code Of Conduct

All members of the Committee are to abide by Council's Code of Conduct, including declaration and management of all conflicts of interest

Members cannot obtain private benefit because of their involvement in decision making as a member of the Committee

18. Record of Minutes

The SEGA shall ensure that an agreed written record of each of their meetings is forwarded to Council.

19. Staff Attendance

Executive staff are normally required to attend the meetings of the SEGA. Other staff at the Directors' discretion or at the SEGA's request can attend meetings as required.

20. Responsibility of Council

DRAFT Terms of Reference – Shoalhaven Economic Growth and Advocacy (SEGA) Group

Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.

Council at its discretion may review and change the Terms of Reference, Role and Structure of the SEGA.

20. Review

After each election of Council.

CL22.194 Development Application - DA21/1834 - 14 Jay Street Culburra Beach - Lot 7 DP246986

HPERM Ref: D22/156228

Department: Certification & Compliance

Approver: James Ruprai, Director - City Development

Attachments:

1. s4.15 Assessment Report (under separate cover) [⇒](#)
2. Draft Notice of Determination - Part Approval (under separate cover) [⇒](#)
3. Draft Notice of Determination - Approval (under separate cover) [⇒](#)
4. Draft Notice of Determination - Refusal (under separate cover) [⇒](#)

Description of Development: Demolition of existing structures, Construction of a Single Storey Dwelling and Detached Shed

Owner: V A Tracy & G G Tracy

Applicant: Hotondo Homes

Notification Dates: 17 August 2021 – 2 September 2021

No. of Submissions: Seven (7) were received

Purpose / Reason for Consideration by Council

On 7 February 2022 Council resolved to call in development application DA21/1834 for determination citing public interest (MIN22.53). The application is for a new dwelling and detached shed.

This report recommends the part approval of the dwelling component and refusal of the shed. As the stormwater issues for the site have not yet been resolved, the recommendation for part approval is via deferred commencement.

Recommendation

That Development Application DA21/1834 be determined by way of Part Approval and Part Refusal as follows:

1. The new dwelling component be approved by way of deferred commencement to allow for the resolution of stormwater considerations and subject to the recommended conditions of consent contained in Attachment 2 of this report.
2. The shed component be refused for the reasons outlined in Attachment 4 - DRAFT Notice of Determination, vis.
 - a. The shed is inconsistent with the development controls set out in Chapter G12 of Shoalhaven Development Control Plan 2014.
 - b. The shed fails to adequately demonstrate compliance with the development controls set out in Chapter G2 of Shoalhaven Development Control Plan 2014.
 - c. The shed will have adverse amenity impacts on the built environment in the locality.
 - d. The site is not suitable for the proposed development.
 - e. The shed is not in the public interest.

CL22.194

Options

1. The Application is determined in accordance with the Recommendation.

Implications: The application would be determined by way of part approval with the dwelling component being approved and detached shed component being refused. The application would also be determined via deferred commencement in that the applicant must provide satisfactory stormwater details and evidence that stormwater has been designed and considered in accordance with Chapter G2 of Shoalhaven DCP 2014 to Council prior to the consent becoming operational. If the deferred commencement conditions are not satisfied within the specified timeframe (6 months) the consent would lapse.

Once determined, the applicant has the option to apply for a section 8.2 review of Council's decision and/or could lodge an appeal with the NSW Land and Environment Court against Council's decision.

2. Refuse the Application

Implications: The dwelling and shed would be refused on the grounds listed in the draft refusal consent (Attachment 4), having regard to section 4.15(1) considerations. Council would need to provide reasons for the refusal of the dwelling component.

The applicant would be entitled to seek a section 8.2 review of Council's decision and / or could lodge an appeal with the NSW Land and Environment Court against Council's decision.

3. Approve the Application by way of deferred commencement subject to recommended conditions of consent.

Implications: Council would have to determine the grounds on which the application is to be approved. This would need to include reasons to support the development having regard to section 4.15 considerations. The application would be determined via deferred commencement in that the applicant must provide satisfactory stormwater details and evidence that stormwater has been designed and considered in accordance with Chapter G2 of Shoalhaven DCP 2014 to Council prior to the consent becoming operational. If the deferred commencement conditions are not satisfied within the specified timeframe (6 months) the consent would lapse.

Under some circumstances, where a third party (i.e., an objector) considers there to have been a breach of law in the granting of a consent or application of the EP&A Act 1979, they may be able to seek to remedy or restrain an approval through the NSW Land and Environment Court under section 9.45 of the Act.

4. Alternative Recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly

Location Map



Figure 1: Location Map - Locality



Figure 2: Location Map - Subject Site

Background

Proposed Development

The proposed development includes:

- Demolition of the existing structures
- Construction of a single storey dwelling
- Construction of a detached shed

CL22.194

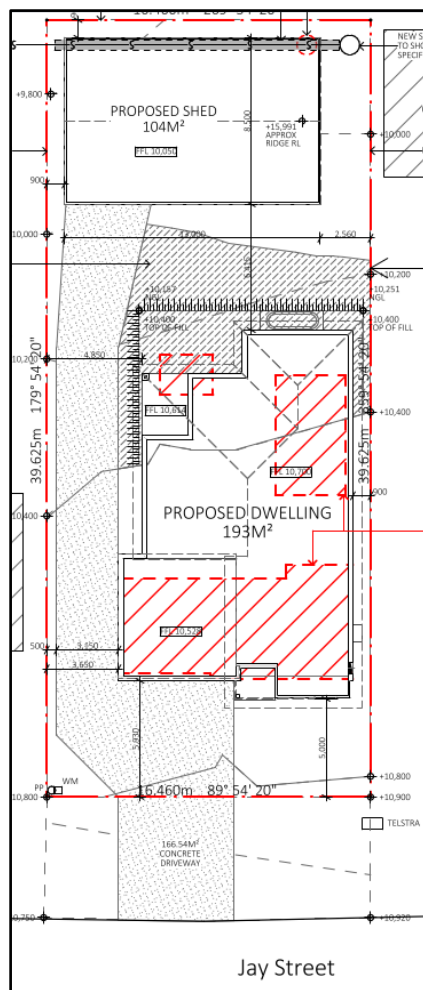


Figure 3: Site Plan

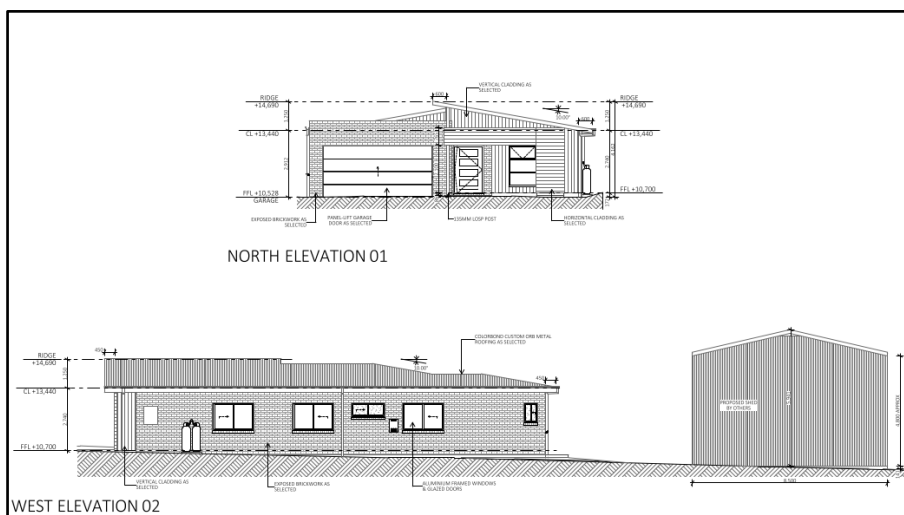


Figure 4: Dwelling & Shed Elevations

CL22.194

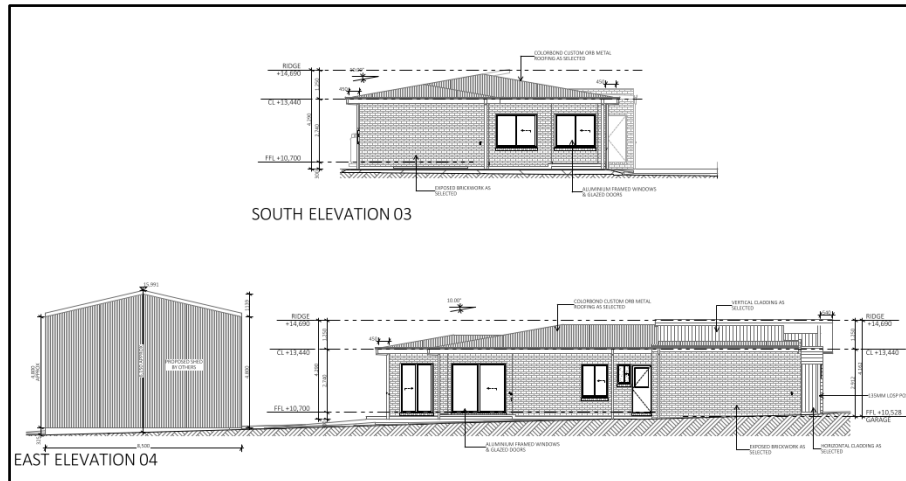


Figure 5: Dwelling & Shed Elevations

Subject Land

The subject land is located at 14 Jay Street, Culburra Beach (Lot 7 DP 246986).

Site & Context

The subject site is located on the southern side of Jay Street and is legally identified as Lot 7 DP246986 and described as 14 Jay Street, Culburra Beach.

The site is a regular shaped allotment of 651.29m². The site has connections to town water and a reticulated sewer system. Existing development on the site consists of a single storey dwelling and associated ancillary development. Under the provisions of the Shoalhaven LEP 2014 the subject land is zoned R2- Low Density Residential.

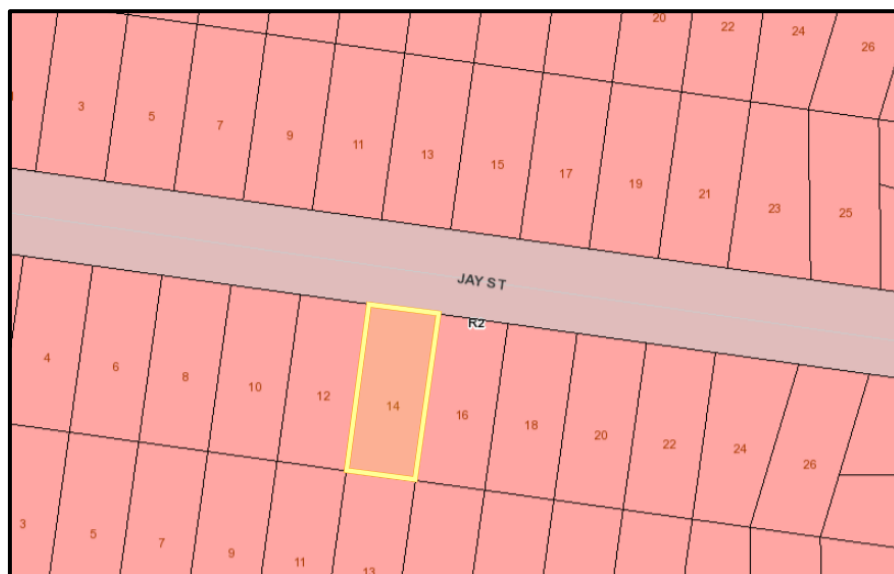


Figure 6: Zoning Map

CL22.194



Figure 7: Photo of existing development on site viewed from Jay Street

History

The following provides details on pre-lodgement discussions, post-lodgement actions and general site history for context.

- (a) DA20/1067 – previous application for detached metal shed: - Development application DA20/1067 for a detached metal shed on the subject site was lodged on 30 January 2020.

The proposed detached metal shed had a floor area of 104m² with a wall height of 4.9m and an overall height of 5.678m. The proposed detached shed was setback 2.5m from the rear boundary.

Council staff advised the following as part of the assessment of DA20/1067 noting the proposed shed height, bulk and scale was not consistent with or sympathetic to the area:

Having undertaken a site inspection and reviewed the plans and documentation submitted in support of the above application, the following is required to be able to undertake a determination.

1. *Please provide a written statement detailing the proposed use of the detached shed. The application form has been completed stating the proposed use is “other”, but the use has not been further specified.*
2. *Please confirm if a new driveway is proposed as part of this application.*
3. *As the proposed wall height of 4.900 metres and an overall height of 5.678m is considered excessive within a residential area and not consistent or sympathetic to the bulk and scale of the existing development on the site, a photographic montage of the proposed shed as it relates to the site & surrounding dwellings is required. A written statement detailing how the size of the shed, used in conjunction with the dwelling, is appropriate for the garaging of residents vehicles is also required before a determination can be considered. An alternative to this is to amend the elevations to reduce the height of the shed for the area that sits above the two smaller roller doors. This would assist in reducing the bulk & scale of the detached shed.*
4. *As the existing dwelling pre-dates our records, no information is available as to the current stormwater disposal system. As the existing*

system is to be relied upon for the new large roof area, please provide accurate details of the proposed method of stormwater disposal. Or alternatively the stormwater can be diverted to the street.

5. *Please provide a landscape plan. Consideration should be given to relocating the shed slightly further to the west of the site to allow for a visual landscaping barrier along the eastern boundary line to assist in reducing the impact of such a large shed within a residential area.*

Development Application DA20/1067 was withdrawn on 15 April 2020.

- (b) DA21/1834 for a single storey dwelling and detached shed: - This is the current application, and it was lodged with Council on 29 July 2021.

Additional information was requested on 15 September 2021. The applicant was advised the bulk and scale of the proposed shed was excessive and would not be supported in its current form.

On 23 September 2021 the applicant provided a written response to the additional information seeking to justify the proposed detached shed.

On 16 November 2021 Council requested further information from the applicant. In this request, the applicant was advised the bulk and scale of the shed remained an issue together with the proposed stormwater drainage system being inconsistent with Chapter G2 of Shoalhaven DCP 2014.

There was ongoing correspondence between Council staff and the Applicant regarding the proposed development and requirements of Shoalhaven DCP 2014. The Applicant has sought to justify the size, bulk, height and reduced rear setbacks of the proposed detached shed. Council staff have advised the proposed shed is not supportable in its current form as it is not of an appropriate scale and is inconsistent with the objectives and relevant performance criteria set out in Chapter G12 of Shoalhaven DCP 2014.

On 7 February 2022 Council resolved to call in DA21/1834 for determination citing public interest (MIN22.53).

On 29 March 2022 Council staff requested the applicant address the stormwater considerations, previously outlined in the request for information on 16 November 2021. On 6 April 2022 the applicant provided a copy of a letter (dated 30 March 2022) sent to the adjoining landowner at 14 Park Row, Culburra Beach, requesting an easement. To date, a response has not been received from the adjoining landowner.

Issues

Landscaping, wall height, rear setbacks, bulk and scale of the proposed detached shed

The proposal does not comply with the acceptable solutions A19.1 (minimum landscaped area) A33.2 (wall height of detached shed) and A35.2 (rear setback for detached shed) in Chapter G12 of Shoalhaven DCP 2014. Council staff have considered the merits of the development and have concluded the proposed detached shed is not consistent with the objectives of the DCP or the relevant performance criteria.

Landscaped area - Shoalhaven DCP Chapter G12

The subject site has an area of 651.29m². The minimum landscaped area required to comply with the development control is 30% (i.e. 195.4m²).

The proposed development provides approximately 118m² (18%) of the site as landscaped area and this does not comply with the minimum landscaped area acceptable solution. As such, the application seeks a 77.4m² (39%) departure to the minimum landscaped area controls.

CL22.194

The relevant control objectives, performance criteria and acceptable solutions are noted below:

Objectives															
<p>The specific objectives are to:</p> <ol style="list-style-type: none"> Ensure that landscaping maximises amenity for residents, neighbouring dwellings and the public domain. Ensure the provision of adequate and appropriate landscaping that is sympathetic to the local character. To ensure appropriate landscaping in bushfire prone areas to reduce the likelihood of building loss during a bushfire event. 															
Performance Criteria	Acceptable Solution/s														
<p>P19.1 Sufficiently dimensioned landscaping provides amenity to residents, effective screening, and enables tree and large shrub planting.</p> <p>P19.2 A suitably sized deep soil planting area encourages:</p> <ul style="list-style-type: none"> Mature tree and shrub growth. Opportunity for surface water to infiltrate naturally to groundwater. <p>P19.3 Unpaved or unsealed areas are maximised and are designed to facilitate on-site infiltration of stormwater run-off subject to soil/drainage conditions.</p> <p>P19.4 The visual impact of ancillary landscaping or retaining structures is considered.</p>	<p>A19.1 A minimum landscaped area is provided that complies with the provisions in Table 3.</p> <p>Table 3: Minimum landscaped area</p> <table border="1"> <thead> <tr> <th>Lot Area</th><th>Minimum Landscaped Area (of lot area)</th></tr> </thead> <tbody> <tr> <td>200m²–300m²</td><td>10%</td></tr> <tr> <td>>300m²–450m²</td><td>15%</td></tr> <tr> <td>>450m²–600m²</td><td>20%</td></tr> <tr> <td>>600m²–900m²</td><td>30%</td></tr> <tr> <td>>900m²–1,500m²</td><td>40%</td></tr> <tr> <td>>1,500m²</td><td>45%</td></tr> </tbody> </table>	Lot Area	Minimum Landscaped Area (of lot area)	200m ² –300m ²	10%	>300m ² –450m ²	15%	>450m ² –600m ²	20%	>600m ² –900m ²	30%	>900m ² –1,500m ²	40%	>1,500m ²	45%
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>900m ² –1,500m ²	40%														
>1,500m ²	45%														

Applicant's Submission

In the Statement of Environmental Effects, the applicant notes the following:

"The Site area is 652m² and provides a landscape area comprising no less than 36% of that area, as shown on the site plan.

The proposal complies, or at least is clearly capable of complying, with all other acceptable solutions, where applicable."

Discussion

Landscaped area is defined in the DCP as follows:

Landscaped Area excludes any encroachments (i.e., any part of a building or structure), hardstand area and any areas used for storage, clothes drying, and water tanks.

CL22.194

The proposed plans appear to include driveway and hardstand areas in the landscaped area calculation, which is incorrect. Figure 8 below provides an approximate landscape area calculation excluding driveway and hardstand areas.

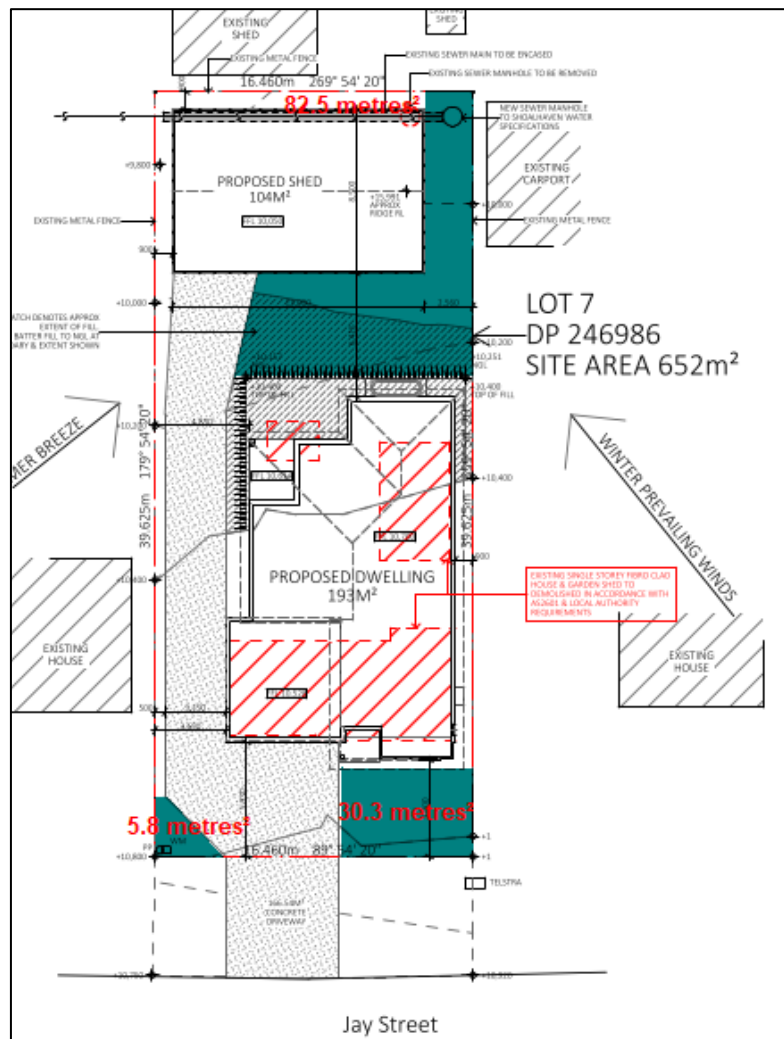


Figure 8: Approximate landscaped area calculations

The applicant has not provided a concept landscape plan detailing the location of any canopy trees or shrubs. A reduction in the hardstand areas would provide an opportunity to allow surface water to infiltrate naturally to groundwater. The amenity of the development would be improved by compliance with the landscaped area performance solution.

The site slopes to the rear away from the street and increased impermeable areas (e.g., driveways and hardstand areas) may result in increased stormwater runoff to downhill properties.

Wall height of detached shed - Shoalhaven DCP Chapter G12

The proposed shed adopts a compliant gross floor area of 104m². However, the proposed shed has a wall height of 5.125m from natural ground level which does not comply with the 3m wall height acceptable solution. The proposal seeks a 2.125m (70%) departure to the maximum wall height development control set by Acceptable Solution A33.2.

The relevant control DCP objectives, performance criteria and acceptable solutions are noted below:

CL22.194

Objectives

- Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.
- Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
- Encourage design that ensures that the amenity of surrounding development is properly considered and not adversely impacted.
- Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.
- Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.
- Retain the amenity of the public domain.

Performance Criteria

P33.1 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:

- Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.
- Sympathetic with the streetscape and complements the existing and desired future character of the area.

P33.2 The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.

P33.3 The size of the non-habitable structure is appropriate for its purpose.

Acceptable Solution/s

A33.2 The gross floor area and eave height of a garage, or other similar structure, complies with the provisions in **Table 4**.

Table 4: Gross floor area and wall height

	Gross Floor Area	Wall Height From ground level (existing) to eave
R1, R2 and SP3 (2000m ²), R3 and RU5 Zones	110m ²	3.0m Refer to Figure 10
R2 and SP3 (2000m ²)	To be assessed on merit	To be assessed on merit
RU1, RU2, RU4, E2, E3, E4, and R5 Zones	Site area up to 1 hectare - 140m ²	To be assessed on merit

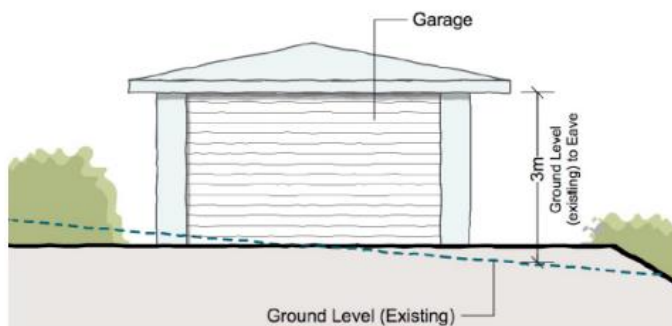


Figure 10: Wall height (example garage)

CL22.194

Applicant's Submission

The applicant provided the following commentary in support of their application:

Dear General Manager,

RE: Development Application DA21/1834 | 14 Jay St, CULBURRA BEACH | Lot 7 DP 246986 | Request for Information | Building Height of Shed Structure

1. I refer to Council's letter dated 15 September 2021.
2. It is unfortunate to receive Council's letter requesting additional information, which does not in fact request additional information. Rather, the letter requests a substantive change to a development application that is already wholly compliant with all relevant development standards and controls.
3. It is also concerning that Council has seemingly not engaged with the detail contained in the Statement of Environmental Effects (SEE) that accompanied the application or the detail of the operation of the Shoalhaven Development Control Plan 2014 (**the DCP**).

Council's request

4. Council suggests that the height of the proposed shed structure is excessive and is not consistent or sympathetic to the bulk and scale of the development on the site. Council goes on to request that the development be amended so as to reduce the height of the shed structure or remove it altogether as a component of the development.
5. This is not a request for information. Respectfully, this is an unreasonable demand which has no legal or planning basis.

How to apply the DCP

6. Most of the Chapters within the DCP contain 'performance criteria' and 'acceptable solutions'.
7. However, the relevant controls for the purposes of the Environmental Planning and Assessment Act 1979 (**EPA Act**) are those controls identified as the 'performance criteria'. The 'acceptable solutions' are not controls, but rather pre-determined circumstances in which compliance with the standard will be deemed to occur. This is an important distinction to make when determining if the application complies with the DCP.
8. As was set out in the case of *Houghton v Shoalhaven City Council* [2016] NSWLEC 1195, where at [76] Commissioner Morris found [emphasis added]:

The acceptable solutions are not mandatory controls or standards and, in accordance with the provisions of S79C(3A) of the EP&A Act, must be flexibly applied. The acceptable solutions are ways, if implemented ensure that the relevant performance criteria are satisfied.
9. The same was said of Council's acceptable solutions in the matter of *Thomas v Shoalhaven City Council* [2010] NSWLEC 1264, where at [22] the Court found:

Acceptable solutions are provided as example of what council will accept for achievement of the relevant performance criteria. Alternatives may be proposed, if it can be demonstrated that the alternative will satisfy the design objectives and criteria.
10. The position was made even more clear in the case of *Platford v van Veenendaal and Shoalhaven City Council* [2018] NSWLEC 27. In that case, Chief Justice Preston held:

39. ... The controls specify the Performance Criteria that must be met for ancillary structures. The Acceptable Solutions are ways in which those Performance Criteria can be met. In a sense, by meeting an Acceptable Solution, the ancillary structure is deemed to comply with the Performance Criteria. But the converse does not apply: ...

40. In this case, the Council Officer assessed that, although the ancillary structure of the boathouse arm, including the screen wall, did not meet the Acceptable Solution A22.1 (because the wall exceeded 3m in height), it nevertheless achieved the Performance Criteria, including P22.1. In this way, the ancillary structure could be described as being "compliant" with the controls for ancillary structures in s 5.3.8 of Shoalhaven DCP.

CL22.194

11. *It follows that, in the Court's opinion, the acceptable solutions are not 'standards' for the purpose of section 4.15(3A), and it is not the acceptable solutions with which an application must comply.*
12. *In other words, an application can fail to comply with the acceptable solution but still comply with the relevant standard in the DCP, being the performance criteria. To interpret it another way amounts to 'an incorrect understanding of the controls'.*
13. *However, if the acceptable solution is complied with, then the development is deemed to have achieved the performance criteria.*
14. *Council cannot require the applicant to comply with a more onerous standard than that which is contained in the DCP. Section 4.15(3A)(a) of the EPA Act provides as follows:*
If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—
(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development
15. *If Council predicates a determination to refuse the application on the assertion that it fails to comply with the DCP because it fails to comply with the performance criteria, despite the application complying the acceptable solution, then Council's determination will be in error at law. If my client submits a Class 1 appeal, Council may be ordered to pay my client's costs, even though Class 1 proceedings are ordinarily a no costs jurisdiction.*

The application of the DCP to the present development

16. *Council suggests that the height of the proposed shed structure is excessive. However, the DCP contains a development control with respect to building heights of ancillary structures. The SEE submitted with the application conveniently addresses this control for Council on page 28.*

Excerpt from Statement of Environmental Effects:

8 Ancillary Structures and Non-Habitable Structures on Vacant Land

8.1 Density, Height and Setbacks

P33.1 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:

- Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality.
- Sympathetic with the streetscape and complements the existing and desired future character of the area.

P33.2 The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.

P33.3 The size of the non-habitable structure is appropriate for its purpose.

A33.1 The maximum floor space ratio for the site is 0.5:1, where the site is located in the following zones:

- R1 General Residential.
- R2 Low Density Residential.

- R5 Large Lot Residential, where the site area is less than 2000m².
- RU5 Village.

A33.2 The gross floor area and eave height of a garage, or other similar structure, complies with the provisions in Table 4.

The proposed shed structure complies with A33.1 and A33.2, therefore compliant with P33.

17. *P34.1 of Chapter G12 of the DCP requires that the height of the ancillary structure (in this case a shed) is to be compatible with the existing or desired future character of the area. The corresponding acceptable solution to this control is contained at A34.1, which states: 'Building heights must comply with Clause 4.3 of Shoalhaven LEP 2014 or Shoalhaven LEP (Jerberra*

CL22.194

- Estate) 2014’.
18. The SEE also provides a compliance table on page 10, which identifies the maximum building height for the site under the Shoalhaven Local Environmental Plan 2014 (SLEP) as 8.5 metres.
 19. The proposed shed structure is proposed to be constructed at a maximum height of 6.1 metres which is approximately 70% of the maximum permissible height.
 20. Council’s DCP contains a standard with respect to building heights. That standard has a corresponding acceptable solution which requires only that the ancillary structure be no higher than the maximum building height identified in the SLEP.
 21. My client complies with this control.
 22. As a consequence of the operation of section 4.15(3A)(a) of the EPA Act, Council is not permitted to require that my client comply with a more onerous standard than that contained in A34.1.
 23. Council may well have formed the view that bulk and scale of the development being sympathetic to existing development remains a relevant contention. Unfortunately for Council, the DCP already addresses this issue and provides a standard which the application meets. The EPA Act prevents Council from pressing this issue further.
 24. I look forward to receiving Council’s positive determination of the application as soon as possible.

Discussion

A33.2 establishes acceptable solutions for gross floor area and wall height for an ancillary structure based on the zoning of the land (e.g., residential or rural) and lot size.

The Applicant’s letter discusses the difference between the acceptable solutions and performance criteria and identifies Shoalhaven DCP 2014 allows for a development to propose a performance-based solution where the acceptable solution has not been met, so long as the performance criteria are achieved.

The applicant has suggested in correspondence to Council that the proposal complies with A33.2 (wall height) as the shed does not include any eaves. This interpretation is not supported by staff as the intent of the control is to limit the size of the sheer face of a wall.

Council staff are of the opinion the proposed detached shed is not sympathetic to the low-density residential character of the area and the bulk and scale of the shed is not compatible with the surrounding residential land uses and will have an adverse impact on the amenity of neighbouring residences.

Consideration of the relevant performance criteria for A33.2 by staff is provided below:

Performance Criteria	Commentary
<p>P33.1 The bulk and scale of new development, particularly on the perimeter of the development site, or where that locality or development site has heritage significance and/or distinctive character, is:</p> <ul style="list-style-type: none"> • Compatible, consistent and sympathetic to the bulk and scale of existing development in the locality. • Sympathetic with the streetscape and complements the existing 	<p>The proposed shed has a rear wall height of 5.125m and is located 0.9m from the rear boundary. This increased wall height of the proposed shed creates additional bulk and scale which contrasts with the existing development in the locality.</p> <p>The reduced rear setback and topography of the site with the land sloping to the rear exacerbates the bulk and scale of the shed and will make the shed visually prominent from adjoining properties.</p> <p>The development would result in a large</p>

CL22.194

and desired future character of the area.	<p>colorbond wall dominating the rear setback which will be prominent from adjoining properties. The bulk and scale and location of the proposed shed will compromise the amenity of adjoining residences and enjoyment of rear yards and private open space.</p> <p>There are sheds on adjoining properties however, these appear to be smaller in height and have floor areas less than 50m². The bulk and scale of the shed is inconsistent with other sheds in the vicinity of the site.</p> <p>If the proposed shed is to be approved, it will likely establish precedent for the local area which is not considered to be consistent with the existing and desired future character of the area.</p>
P33.2 The size of a garage, or other similar structure, used in conjunction with a dwelling is appropriate for the garaging of resident's vehicles.	<p>The proposed shed consists of an area of 104m², a wall height of 5.125m and an overall height of 6.15m.</p> <p>Three roller doors provide vehicle access to the shed and the dimensions of these are as follows:</p> <ul style="list-style-type: none"> • 3m (h) x 2.876m (w) • 3m (h) x 2.876m (w) • 4.5m (h) x 4.3m (w) <p>The overall height of the shed is considered to be excessive for residential use in the context of the immediate residential locale.</p>
P33.3 The size of the non-habitable structure is appropriate for its purpose.	<p>There is no guarantee that the proposed shed, given its size/scale, would not be converted from or utilised contrary to the garaging of vehicles as ancillary to the premises dwelling. If approved, recommended conditions of consent will require the shed not be used for any commercial, industrial or habitable purposes.</p>

CL22.194

Rear setback for proposed detached shed - Shoalhaven DCP Chapter G12

The proposed shed does not comply with the 3m rear setback acceptable solution (A35.2). The proposed shed is setback 0.9m from the rear boundary for the full length of the shed and as such, seeks a 2.1m (70%) departure to the rear setback development control.

The relevant control objectives, performance criteria and acceptable solutions are as follows:

Objectives

- i. Ensure that the bulk and scale of new development is compatible with the existing streetscape amenity and the existing or desired future character of the area.
- ii. Minimise the visual impacts of elements of the development that exaggerate the built form and impacts negatively on desired future streetscapes.
- iii. Encourage design that ensures that the amenity of surrounding development is properly considered and not adversely impacted.
- iv. Allow adequate separation between buildings to promote natural light, solar access, ventilation, landscaping and privacy.
- iv. Minimise the impacts upon the site and surrounding land following construction of non-habitable structures before the construction of a dwelling.
- v. Retain the amenity of the public domain.

Performance Criteria	Acceptable Solution/s
<p>P18.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.</p> <p>P18.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.</p> <p>P18.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.</p> <p>P18.4 Setbacks avoid loss of view, undue overshadowing and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and sunlight access.</p> <p>P18.5 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p> <p>P18.6 The proposal maintains adequate provision for on-site car parking.</p>	<p>35.2 Setbacks shall comply with the provisions in Table 2 (Section 6.1.2 of this Chapter), where the site is located in the following zones:</p> <ul style="list-style-type: none"> • R1 General Residential. • R2 Low Density Residential, where the site area is less than 2000m². • RU5 Village • SP3 Tourist <p>(See below table 2)</p>

CL22.194

Table 2: Setbacks in the R1, R2 (< 2000m²), RU5 and SP3 zones

Front Setback Primary road frontage	Parallel Road Frontage	Side Setback No road frontage and to public reserve	Side Setback Secondary road frontage	Rear setback	Rear/side setback to foreshore reserve
<p>Lots under 600m²:</p> <ul style="list-style-type: none"> 5m to dwellings. 4m to verandahs, patios and awnings. <p>Lots 600m² - 900m²:</p> <ul style="list-style-type: none"> 6m to dwellings. 5m to verandahs, patios and awnings. <p>Lots over 900m²:</p> <ul style="list-style-type: none"> 7.5m to dwellings. 6.5m to verandahs, patios and awnings. <p>Note: Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced.</p>	3m	<p>900mm to dwellings and detached non-habitable outbuildings. 450mm from eaves/gutters.</p> <p>Where parking spaces are proposed at the rear of a dwelling, one 2.4m side setback is required for vehicular access.</p>	<p>Lots under 600m²: 3m</p> <p>Lots 600m² and over: 3.5m</p>	3m (average).	7.5m.

Applicant's Submission

The applicant provided the following commentary in support of their application in the Statement of Environmental Effects submitted with the application:

As the requirement to comply with Table 2 is set out in the acceptable solutions, a 3 metre rear setback for the shed is not a standard that it must technically meet.

More central to compliance is the need to remain consistent with the existing and desired future character of the area, particularly from the perspective of the street front.

The proposed shed only has a setback of 900mm, but it is not a structure used for habitable purposes. Moreover, the 900mm setback is consistent with development immediately south and adjacent to the rear boundary, where an existing shed of comparable style and dimension is also constructed approximately 900mm off the boundary. The existing shed poses no adverse impacts. It stands to reason that the proposed shed will also cause no adverse impacts.

As set out in the Note to Table 2, 'Reduced setbacks may be considered where the prevailing street character permits and the future desired character of the area is not prejudiced'.

The applicant submits that the shed is in keeping and consistent with the existing character of development in the immediate vicinity and does not affect the street character in any way.

No variation is required. It is submitted here that the proposed shed complies with the performance criteria which constitute the control.

Discussion

Acceptable Solution A35.2 and the relevant performance criteria establish the setbacks requirements for an ancillary structure.

The Statement of Environmental Effects submitted by the applicant notes the proposed shed has a rear setback of 0.9m and suggests this is consistent with adjoining properties and therefore complies with the performance criteria.

While it is acknowledged some sheds on adjoining properties do have reduced setbacks, the proposed shed presents a different outcome, being a substantially larger shed with an

CL22.

increased wall height. Additionally, the shed takes up the majority of the rear setback as compared to sheds on adjoining properties which appear to be less than 50 percent.



Figure 9: Aerial imagery of subject site noting small detached ancillary structures on adjoining properties. Subject site highlighted in blue and 12 and 18 Jay Street highlighted in yellow for clarity in discussion below.

The proposed shed dimensions, include a wall height of 5.125m, an overall height of 6.15m and an area of 104m². The size of the shed, reduced setback and increased wall height have compounding impacts to the amenity of adjoining properties.

For comparison, ancillary structures on adjoining properties typically have floor areas ranging between 30m² to 60m², with wall heights of approximately 3m and peak building heights of 3m to 3.5m.

For example, the detached shed at 12 Jay Street is setback 0.9m from the rear boundary and 1.2m from the side boundary and has an approximate floor area of 40m² and a wall height of approximately 2.5m to 3m.



Figure 10: Aerial imagery of existing detached shed at 12 Jay Street



Figure 11: Photo of existing detached shed at 12 Jay Street

CL22.194

Similarly, the existing detached shed at 18 Jay Street is setback 4.5m from the rear boundary and 0.9m from the side boundary and has a floor area of 42m² and a wall height of 2.7m.



Figure 12: Aerial imagery of existing detached shed at 18 Jay Street



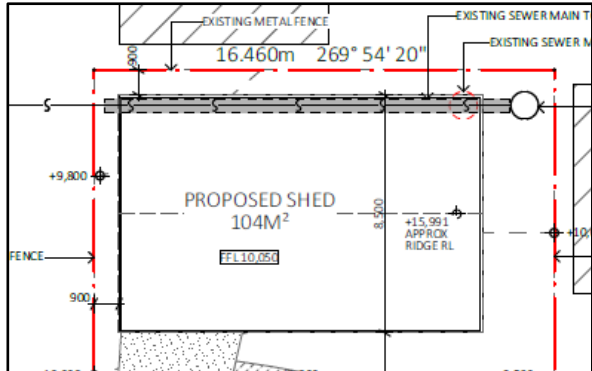
Figure 13: Photo of existing detached shed at 18 Jay Street

This design in its current form would negatively impact on the amenity of the surrounding properties as the dimensions proposed work to exaggerate the visual impact of the development.

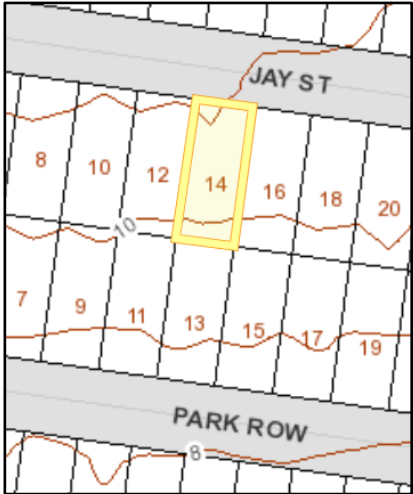
The cumulative effect of the significant wall height in conjunction with the reduced setback proposed is not compatible with the future desired character of the area. The proposed

CL22.194

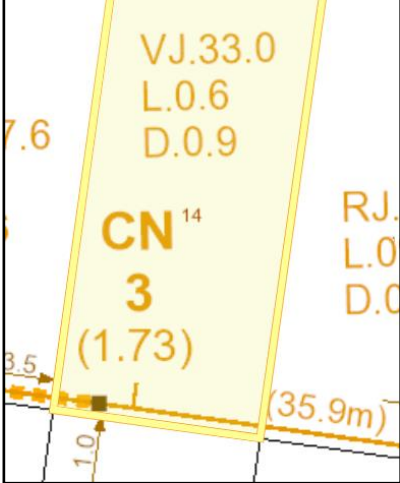
development does not achieve the relevant performance criteria for these controls and given the height, size and setbacks, the proposed shed is not considered to be of an appropriate bulk and scale for the development site. Consideration of the relevant performance criteria for A35.2 by staff is provided below:

Performance Criteria	Commentary
P18.1 The front setback is generally consistent with adjoining development and does not undermine the integrity of the prevailing building lines.	This is not deemed to be relevant as the proposed shed is located behind the building line.
P18.2 The location and siting of the building complements the existing setbacks in proximity to the site, foreshore (if applicable) and the streetscape.	<p>The proposed shed presents as a substantially larger structure in comparison to those observed on adjoining properties; sheds on adjoining properties appear to be less than 50m². This is particularly evident when considering the increased wall height in combination with the length of the shed, which extends for the majority of the rear boundary. Although some sheds are observed on adjoining properties with reduced rear setbacks, these are significantly smaller in height and size.</p> <p>The bulk and scale of the proposed shed is inconsistent with other sheds in the vicinity and the reduced rear setback in this instance would contribute to its prominence when viewed from adjoining properties and would compromise the amenity of adjoining properties and their enjoyment of rear yards and private open space.</p> 
P18.3 The proposed development is setback and of a scale that is relative to the street reserve width, in such a way to ensure pedestrians do not feel buildings are overbearing.	This is not deemed to be relevant as the shed is located behind the building line.
P18.4 Setbacks avoid loss of view,	The visual impacts of the shed are

CL22.194

<p>undue overshadowing and provide/maintain privacy (visual and acoustic), traffic safety and maintain adequate daylight and sunlight access.</p>	<p>exacerbated by the reduced rear setback. Along the rear boundary, the shed presents with a length of 13m, a rear wall height of 5.125m and an overall height of 6.15m. This would result in the proposed shed dominating above a 1.8m boundary fence. The amenity of the adjoining properties will be unduly impacted by the bulk and scale of the proposed shed.</p> <p>Also, the topography in the immediate vicinity of the location of the proposed Shed slopes towards Park Row with a fall between 1-2m, further exacerbating the amenity impacts for properties located south, south-east and south-west of the development.</p>  <p>The proposed detached shed will reduce solar access to adjoining properties; however, it is not considered to result in overshadowing impacts to habitable rooms and principal private open space above the acceptable levels outlined in Shoalhaven DCP 2014.</p>
<p>P18.5 Adequate levels of light and ventilation to adjoining buildings, landscaping, services and infrastructure are protected.</p>	<p>The proposed shed is located over an existing sewer main with a vertical junction.</p>

CL22.194

	 <p>The application proposes to encase the sewer main and relocate the sewer manhole in order to accommodate the proposed shed. The applicant will need to apply for a Certificate of Compliance to ensure the Shoalhaven Water infrastructure is protected.</p>
<p>P18.6 The proposal maintains adequate provision for on-site car parking.</p>	<p>Adequate car-parking is provided on-site. An attached garage is included as part of the single storey dwelling.</p>

CL22.194

Stormwater disposal – Shoalhaven DCP 2014

The development application is proposing a charged line system to the street but has failed to provide the required documentation to support the concept stormwater design required under chapters G2 and G12 of Shoalhaven DCP 2014.

Applicant's Submission

The applicant has advised the application complies with the stormwater requirements of Shoalhaven DCP 2014, noting in the Statement of Environmental Effects as follows:

"The proposal complies. As set out in the notes of the Site Management Plan, guttering will be connected to the stormwater system or the rainwater tank as soon as practicable."

Discussion

On 16 November 2021 the applicant was advised that to justify the use of a charged stormwater drainage system, it needs to be demonstrated that suitable efforts have been made to show that drainage to the street via gravity or creation of a drainage easement is not possible as required by A2.1 in Chapter G2 of Shoalhaven DCP 2014. Chapter G2 outlines the necessary steps to be satisfied that stormwater drainage via gravity or creation of an inter-allotment drainage easement is not possible and that a charged line is satisfactory:

On 6 April 2022 the applicant provided a copy of a letter (dated 30 March 2022) sent to the adjoining landowner at 14 Park Row, Culburra Beach, requesting an easement. To date, a response has not been received from the adjoining landowner.

Given the applicant has not adequately addressed the stormwater issues raised or provided sufficient evidence and justification for proposing a charged line as identified in A2.1(c), it is considered the stormwater issue for the dwelling component of the application is resolvable by way of deferred commencement. The deferred commencement would require the applicant to complete appropriate investigations of obtaining a drainage easement through

properties to the rear of the site and provide additional stormwater details to support a charge line to the street within six (6) months of the determination date.

Planning Assessment

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979 (Refer Attachment 1).

Consultation and Community Engagement:

Seven public submissions were received in relation to Council's notification of the development. All submissions were objections to the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent within a twenty-five metre buffer of the site. The notification was for a two week period.

Key issues raised as a result of the notification include but were not limited to matters listed below:

Summary of Public Submissions	
Objection Raised	Assessing Officer Comments
<p>Permissibility and intended use of shed</p> <p>Extracts of submissions received:</p> <p><i>"I also would like to express my concern for the intended usage of the shed. Given the shed's dimensions and design (i.e., three large roller doors) as well as the applicant(s) ownership of a prime mover for a semi-trailer, it is fair to postulate that the shed is intended for commercial use. Commercial use is not a type of authorised usage within Zone R2 Low Density Residential applications. Should there be amendments reducing the total height of the shed to a maximum of 3M, in line with the Shoalhaven Development Plan 2014 to accompany their single storey dwelling, we would be supportive."</i></p> <p><i>"I think the industrial sized and intended use of the shed (as mentioned in previous application that has now been withdrawn) will ruin the residential zoned area, create noise and most importantly create a danger hazard from the prime mover that will be housed within it. The prime mover with pose a risk because of its size and the limited space they are trying to drive it around in- putting young children from the street and from the community at great risk."</i></p> <p><i>"I am opposed and also disgusted with the development proposal for a large scaled commercial heavy vehicle maintenance shed. Is the exact same shed that was withdrawn by [landowners redacted] in early 2020 DA20/1067. I have several issues with the new DA that was been lodged on behalf [landowners redacted] by Hotondo South Coast. They are renowned for having a prime mover parked in the street or in the bush across the road from their house and I must make aware to you that this street is zoned as R2."</i></p>	<p>The proposal includes a shed on R2-zoned residential land. A shed is proposed to be used ancillary to the residential use of the land and is therefore a permitted land use within the zone.</p> <p>If approved, conditions of consent will be imposed requiring the shed not be used for any industrial, commercial or habitable purposes without separate development consent, or unless otherwise exempt under the provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes)</i> 2008 for a change of use.</p>

CL22.194

<p><i>"I have had several other residents speak to me up of their concerns about this development surely a garage this large is more suited to a heavy industrial zoned area as looking at the plans it appears to take up over a third of the property and the proposed house already has a double garage.</i></p> <p><i>"I am extremely concerned about the development as it appears to be a second attempt to build a massive commercial shed /garage that due to its size makes me concerned that it will be used to work on large trucks as well as cars in a very quiet residential zoned area."</i></p> <p><i>"I welcome the investment in a new residential dwelling in the street, however the inclusion of a large 4.9m tall commercial heavy vehicle maintenance shed at the rear of the property is not in keeping with the residential nature of the surrounding area, and the failure to disclose this significant fact within the development application and SEE analysis is a significant concern."</i></p> <p><i>"The size of the shed that is in this application (14 Jay St) is to house a prime mover for a semi-trailer. This is not residential - this is commercial. A truck this size going in and out of this property - a meter from our bedroom and lounge room windows will not only destroy our peaceful existence - but it will no longer feel safe for our children to play and be on their push bikes etc. This is a residential street and should remain this way."</i></p>	
<p>Amenity Impacts resulting from Bulk and Scale of Shed</p> <p>Extracts of submissions received:</p> <p><i>"SLEP 2014 P34.1 & 35.1 - Incorrect SEE assessment - height and rear setback of heavy vehicle maintenance shed is not compliant, and the interpretation of previous case history is not applicable to this consent application."</i></p> <p><i>"The proposed total shed height is 5,939 with an approximate internal peak of 6,150. This is significantly higher than the maximum wall height of 3 metres for a garage in a Zone R2 low residential area (as stipulated in The Shoalhaven Development Control Plan 2014 Chapter G12 Table 4 and Figure 10)."</i></p> <p><i>"I really don't feel a 104m2 large scaled commercial heavy vehicle maintenance shed falls under this category. The size of this shed is also 5.939m at the ridge which exceeds the Height limit for a shed which is stated in The Shoalhaven Development Control Plan 2014 Chapter G12 Table 4 and Figure 10 allows for a maximum wall height of 3 metres for a garage in a Zone</i></p>	<p>It is view of Council's assessment staff that the bulk and scale of the proposed shed is inconsistent with the development controls.</p> <p>The proposed wall height compounded by the height of the drop edge beam is excessive in the residential context. The visual impacts of the shed are exacerbated by the reduced rear setback.</p> <p>The height, size and setbacks of the proposed shed is not considered appropriate bulk and scale. The Shed is not compatible with the existing or desired future character of the area.</p>

CL22.194

<p><i>R2 Low Residential area.”</i></p> <p><i>“I also feel the proposed development appears to be very close to our boundary fence this appears to be due to the extremely large driveway that I can only assume is of this size due to the size of vehicles that will be using it.”</i></p> <p><i>“The Statement of Environmental Effects (SEE) that supports this DA is primarily focussed on the residential dwelling and has not explicitly considered the size and nature of intended use of the large 4.9m tall heavy vehicle maintenance shed at the rear of the property.”</i></p>	
<p>Solar Access</p> <p>Extracts of submissions received:</p> <p><i>“This application is strikingly similar to DA20/1067 proposed in January 2020. This previous proposal included the shadow effects of the development which seems to be missed in this application. The shed in the DA20/1067 application had a height of 5,678; the newly proposed shed is almost 300 taller. This current application will have a dire impact on the environment (not meeting the requirement outlined in paragraph 8.2 around enhancing streetscapes) and will essentially “black out” out property for a significant period each day.”</i></p>	<p>The proposed detached shed will reduce solar access to adjoining properties; however, it will not result in overshadowing impacts to habitable rooms and principal private open space above the acceptable levels outlined in Shoalhaven DCP 2014.</p> <p>The proposed development would maintain at least 3 hours of direct sunlight between 9am and 3pm on 21 June to principal private open space and north facing living room windows and roof surfaces as required by acceptable solution A10.3 in Shoalhaven DCP 2014.</p>
<p>Gross floor area</p> <p>Extracts of submissions received:</p> <p><i>“The development has more than 550m2 of either hard standing (driveway) or building (dwelling plus shed) on a lot size of 652m2 - well above the 50% allowed under SLEP 2014.”</i></p> <p><i>“Site calculations are incorrect - they have not allowed for the floor area of the heavy vehicle maintenance shed. Gross building area including the shed is 297m2 (not including the hard standing driveway), not 188m2 as stated.”</i></p>	<p>Shoalhaven DCP 2014 sets a floor space ratio of 0.5:1 and a maximum floor area for sheds of 110m².</p> <p>The proposed development complies with the FSR and shed GFA acceptable solutions outlined in Shoalhaven DCP 2014.</p>
<p>Impervious and hardstand area</p> <p>Extracts of submissions received:</p> <p><i>“SLEP 2014 P6.2.1 - Incorrect SEE assessment - calculations are incorrect. Building area (including heavy vehicle maintenance shed) is 297m2. Hard standing driveway is 256m2. Total area is 550m2 within a 652m2 lot size - this is not compliant.”</i></p> <p><i>“I have an issue with the amount of hard stand and even</i></p>	<p>The subject site is not mapped as being Flood Prone Land however, with respect to the increase in hardstand/impervious areas, a development must provide adequate stormwater details and must not result in concentration of water onto adjoining properties.</p> <p>The application has not been</p>

CL22.194

<p><i>to the new fill which is being brought in the raise the ground height this area already has a water issue. No allowance has been made for flood planning. Anecdotal evidence from neighbouring properties that flooding during rainfall is already problematic. The development has more than 550m2 of either hard standing (driveway) or building (dwelling plus shed) on a lot size of 652m2 - well above the 50% allowed under SLEP 2014. Also, the proposed area behind and next the shed and right-hand side next to our property must be taken into consideration as I'm sure it will be concreted, and no grass or soil will be placed there as nothing will grow there."</i></p> <p><i>"I also have issue with the lack of green space this will adversely affect the native bird life a real draw card to this area as often there are large flocks of Black Cockatoos, Lorikeets and many other native bird species They have also spoken about raising the level of the land this ground holds a large amount of water when it rains, and I do not want the ground levels altered as it may result in my property being flooded."</i></p>	<p>supported by sufficient stormwater details and appears to be proposing the use of charged stormwater lines to the street.</p> <p>The departure to landscape area controls further reduces the amount of pervious area available on site.</p>
<p>Privacy Concerns and Siting of the Dwelling</p> <p>Extracts of submissions received:</p> <p><i>"The current dwelling has only one window on the right-hand side of the property currently and I must raise now there are 5 windows that will be looking onto no.12 I feel our privacy will be taken away from us."</i></p>	<p>The proposed single-storey dwelling has provided appropriate setbacks on the western side of the building. Also, the rooms adjoining No. 12 Jay Street consist of bedrooms. Bedrooms are considered low usage rooms, therefore the impact on privacy is considered minimal and consistent with the relevant development controls.</p> <p>The proposed dwelling maintains privacy to adjoining dwellings.</p>
<p>Noise generated from gas, water and air-conditioning infrastructure</p> <p>Extracts of submissions received:</p> <p><i>"I also am concerned with the gas bottles so close to my boundary and their hot water unit why can't it be placed at the back of their house near the tank."</i></p>	<p>Council is satisfied the gas bottles and hot water unit are appropriately located on the site to minimise noise and acoustic impacts to neighbouring properties.</p> <p>If approved, conditions of consent will require this infrastructure not cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act 1997 (POEO Act)</i>.</p>

Financial Implications:

There are potential cost implications if Council decide to refuse the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

CL22.194

Legal Implications

A section 8.2 review and/or an appeal with the Land and Environment Court are possible if the application is refused or determined by way of part approval.

Summary and Conclusion

The proposed detached shed that forms part of the development application seeks significant departures to acceptable solutions A19.1 (minimum landscaped area), A33.2 (wall height) and A35.2 (rear setback).

In addition, the application has not been supported by adequate stormwater justification or detail as required by Chapter G2 of Shoalhaven DCP 2014.

The cumulative impacts of the reduced landscaped area reduced rear setbacks and increased wall height relating to the proposed detached shed is not consistent with the objectives and relevant performance criteria set out in Shoalhaven DCP 2014 and the detached shed is considered to have significant adverse impact on the amenity of the adjoining properties. The application has not demonstrated the development is compatible with the existing low density residential character and desired future character of the locality.

It is recommended the dwelling part of the application should be determined by way of Part Approval via deferred commencement. This will allow for the resolution of the stormwater issues.

It is recommended the departures sought to Chapter G12 of Shoalhaven DCP 2014 in relation to the detached shed should not be supported and this part of the development should be refused. The following reasons for refusal are provided:

1. The proposed detached shed is inconsistent with the objectives and performance criteria specified in Chapter G12 of Shoalhaven Development Control Plan 2014. (Section 4.15(1)(a)(iii) of Environmental Planning and Assessment Act, 1979).
2. The development application has not adequately demonstrated that the proposed detached shed will not have adverse amenity impacts on the built environment in the locality. (Section 4.15(1)(b) of Environmental Planning and Assessment Act, 1979).
3. The information submitted with the development application does not satisfactorily demonstrate that the site is suitable for the proposed detached shed (Section 4.15(1)(c) of Environmental Planning and Assessment Act, 1979).
4. Having regard to the above matters to address the relevant provisions of Environmental Planning and Assessment Act, 1979, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979)

CL22.195 Bawley Point/Kioloa - Skatepark & Recreation Hub - Survey Results

HPERM Ref: D21/457098

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Graphs/Charts - Community Survey Results - Investigations
Kioloa/Bawley Point Skatepark/Recreation Hub [↓](#)

Reason for Report

To inform Council of the results of a Council led survey in relation to a proposed project by the Bawley Point Kioloa Termeil Community Association (BPKTCA) for a skatepark and recreation hub in the Bawley Point/Kioloa area, and for Council to determine the way forward in regard to this proposal.

Recommendation

That Council:

1. Propose to take no further action at this time, as there is not a clear majority of support for a skate park in Bawley Point/Kioloa.
2. Identify the inclusion of investigations for a Recreation Hub (including options for a skate park) into the Community Infrastructure Strategic Plan review.
3. Subject to necessary funding being approved in the (draft) 2022/23 budget, proceed with upgrades to existing playground infrastructure at Bawley Point Reserve and Kioloa Sportsground.

Options

1. Council does not endorse the community project for a skate park or recreational hub in the Bawley Point Kioloa area at this time. Include into the review of the Community Infrastructure Strategic Plan investigation into a recreation hub in the Kioloa/Bawley Point/Termeil. Subject to adoption of the draft budget this will provide for the upgrade of play equipment.

Implications: This would not meet the expectations of the BPKTCA or the community who supported the proposals. It will provide opportunity to investigate current and future needs for social infrastructure in the Bawley Point/Kioloa/Termeil area. The playground equipment would be replaced, and upgrades would proceed.

2. Council endorses proceeding with the recreation hub option which would include next steps:
 - Community survey on desired features for the recreation hub
 - Collation of feedback and Council to identify potential sites to accommodate their needs
 - Further community consultation on future preferred locations

Implications: This would meet some of the expectations of the BPKTCA and the 57% of the community who supported the proposal. This would not meet the expectations of 43% of the community who did not want a recreation hub.

3. Council endorses proceeding with the skatepark proposal, which would include next steps:

- Council identifying potential sites
- Community survey regarding site and their preference.

Implications: This would meet some of the expectations of the BPKTCA and the 48.7% of the community who supported the proposal. This would not meet the expectations of the 51.3% of the community who did not want a skatepark.

4. Council endorses proceeding with a recreation hub including a skatepark, which would include next steps:

- Community survey on desired features for the recreation hub
- Collation of feedback and Council to identify potential sites to accommodate their needs
- Further community consultation on future preferred locations

Implications: This would meet the expectations of the BPKTCA and the community who supported the proposal. This would not meet the expectations of the community who did not support the recreation hub/skatepark proposal.

Background

In 2019, the Bawley Point Kioloa Termeil Community Association (BPKTCA) at their committee meeting determined to look at providing a skatepark for the community. A skatepark subcommittee was established to investigate this proposal.

The subcommittee met with Council on 25 August 2020 to discuss their proposal and potential sites. Council had undertaken a desktop audit of potential sites for the subcommittee to consider as well as provide a copy of Council's Provision for Skate Park Policy and documentation required to undertake a community project.

The BPKTCA were planning to run this as a community project, which would entail:

- Obtaining funding; and
- Act as project manager for the project in line with Council's requirements and support.

The BPKTCA have undertaken a number of successful projects under this process such as:

- Pathway project
- Men's shed

This proposal is not currently an identified project of Council under any strategic policies or plans; therefore, it is not identified in our DPOP or have an allocated budget.

BPKTCA Vision

The proposal by BPKTCA is for a recreation hub/skatepark that will deliver:

- A children's playground upgrade to suit all ages and abilities – a vibrant, inclusive space where children of all ages can not only be curious, active, and engaged, but play safely on the available equipment

- A quality skatepark to be designed to fit within the natural surrounds where older children can skate, scooter or bike ride.
- A bike pump track around the outside of the hub.
- A designated calisthenics area for adults to exercise due to it being a 30 minute drive to any gym.
- Comfortable seating and picnic areas designated near the playground/ skatepark, and separate seating and picnic tables specifically designed to take in the natural surrounds of the area

BPKTCA hopes the space will be as natural as possible and not impede on the natural beauty of the area. They also hope to use timber, rock, and organic matter as much as possible with native plants to be incorporated into the design. The BPKTCA aims to engage local artists and craftspeople to help create a visually appealing space where locals and visitors alike want to visit to feel inspired and connected.

BPKTCA Vote 2021 - Skatepark

BPKTCA held a public meeting on the 28 February 2021, it was at this meeting a vote was held in regard to community support for a skatepark at Bawley Beach Reserve – this vote was 95 against and 83 in support of the proposal.

Following this vote, Council and Councillors were approached by members of the community in relation to the vote, with concerns raised including:

- The voting process
- The preferred location for the skatepark would be Kioloa
- The future of the community skatepark project

In response, Councillors requested a meeting with the subcommittee and Council staff on the 28 April 2021. At the Councillors request, members of the skatepark subcommittee and Council Officers met at the Kioloa Community Centre to discuss the proposal. Two Councillors attended this meeting. The Councillors supported Council Officers in running a separate and independent community consultation to gauge acceptance or not on the proposal of a skatepark and recreation hub in the Kioloa / Bawley Point area for the community.

Online Community Survey

In conjunction with Council's Community Engagement Team, a survey was developed to gauge the level of support for a skatepark an/or recreation hub by the community of Kioloa/Bawley Point.

The intention of the survey was first and foremost to establish the support for a skatepark and recreation hub, regardless of the location of either. By not including location options, the survey intended to remove the potential for bias in responses of where community members wanted the infrastructure located and determine whether they supported the proposal or not.

The community were informed that:

If there is strong community support for a skatepark or recreational hub, Council would then investigate feasible locations and undertake further consultation with the community regarding a location.

The survey was open from 27 September 2021 and closed on 18 October 2021. The survey was accessible online via Council's Get Involved page. Hard copies were also available on request – and were received and manually input by Council Staff.

The survey was promoted in the following ways:

- 1,100 DL flyers produced and distributed to community members (CCB President, CCB Sub Committee and interested community members in Kioloa) for them to letterbox drop
- DL Flyers available at the Bawley Point Shopping Centre - IGA, Newsagency and Bottle Shop
- Milton Ulladulla Times article, 1 October 2021
 - Article reached 4.76k
- Social Media posts and paid advertisements:
 - Campaign ran from 14-18 October 2021
 - Reached 1,723 people across Facebook and Instagram
 - Resulted in 37 clicks through to the survey
- Article in Council Newsletter - Neighbourhood News, 30 September 2021
 - delivered to 4,307 people, opened by 1,638
 - 30 people clicked from the article to the survey
- BPKTCA promoted the survey to their members - via email, website, and Facebook page
- Posts on local Facebook pages:
 - Bawley Point and Kioloa Recreation and Skatepark Hub
 - Friends of Bawley Beach Reserve

Results

Council received feedback in the form of:

- 598 completed online surveys
- 25 letters/emails from 22 people
- Over 30 phone calls from 19 people

The letters and emails received ranged in comments including:

- The community have already voted on this
- Council should not be doing consultation during covid
- Bawley Beach Reserve is not the place skatepark/recreation hub
- Kioloa Sportsground is not the place for skatepark/recreation hub

The project's Get Involved page received 1,530 visitors and 557 new user registrations.

Key Questions

The below questions were asked in the community survey to gather information in relation to the proposal.

Do you support a skatepark in Kioloa/Bawley Point?

- 48.7% YES
- 51.3% NO

Do you support a recreation hub in Kioloa/Bawley Point?

- 57% YES
- 43% NO

The full breakdown of the survey is available on the projects Get Involved page on Council's website –

<https://getinvolved.shoalhaven.nsw.gov.au/kioloa-bawley-point-skate-park-recreation-hub-proposal>.

The breakdown identifies the demographics of the respondents (age, location, connection to the area) their responses to the two questions and any comments they made.

It should be noted that although this survey was seeking to ascertain the level of support for the proposal, many community members provided comments relating to a specific site. The objective of the community survey was to indicate to Council staff whether there is a want of a skatepark/recreation hub and if yes, a further survey would follow in relation to a proposed site.

The survey asked that each respondent explain why they had answered "No" to a skatepark or Recreation Hub. The following includes examples of reasons that were given:

- Natural pristine area not suitable for a skatepark
- Not the demographics to support the spend
- Money spent on other needed infrastructure (i.e., pathway)
- Bawley Reserve is not the place
- Kioloa is not the place
- Skatepark in Ulladulla (only 20 minutes away)
- Safety concerns

A graphical illustration of the results (excluding the free text) is provided as an Attachment to this report.

Demographics – Australian Bureau of Statistics 2016 (Source ID Forecast)

Bawley Point has a population of 700, with 708 dwellings.

Kioloa has a population of 261 with 309 dwellings.

Table 1 and Table 2 provide a detailed breakdown of the demographics of the Bawley Point and Kioloa communities.

Table 1. Demographic breakdown of Bawley Point

Age Structure	Number--	%--	Regional NSW %--
Babies and pre-schoolers (0 to 4)	30	4.3	5.8
Primary schoolers (5 to 11)	43	6.1	8.9
Secondary schoolers (12 to 17)	48	6.9	7.3
Tertiary education/independence (18 to 24)	27	3.9	7.9
Young workforce (25 to 34)	50	7.1	11.0
Parents and homebuilders (35 to 49)	82	11.7	18.0
Older workers & pre-retirees (50 to 59)	139	19.9	13.8
Empty nesters and retirees (60 to 69)	158	22.6	13.1
Seniors (70 to 84)	110	15.7	11.4
Frail aged (85 and over)	6	0.9	2.7

Table 2. Demographic breakdown of Kioloa

Age Structure	Number--	%--	Regional NSW %--
Babies and pre-schoolers (0 to 4)	7	2.7	5.8
Primary schoolers (5 to 11)	16	6.1	8.9
Secondary schoolers (12 to 17)	16	6.1	7.3
Tertiary education/independence (18 to 24)	5	1.9	7.9
Young workforce (25 to 34)	24	9.2	11.0
Parents and homebuilders (35 to 49)	36	13.8	18.0
Older workers & pre-retirees (50 to 59)	42	16.1	13.8
Empty nesters and retirees (60 to 69)	58	22.2	13.1
Seniors (70 to 84)	45	17.2	11.4
Frail aged (85 and over)	8	3.1	2.7

The Bawley Point/Kioloa area has 73% internet connected

Existing social infrastructure in Bawley Point and Kioloa

Staff have conducted a number of site visits in relation to their day to day operations and with community members in the Bawley Point and Kioloa areas to investigate the locations and conditions of existing social infrastructure.

Existing Playground at Bawley Beach Reserve

Council staff have identified that the playground at Bawley Beach Reserve is due for replacement. The current equipment is at end of useable life and Council has identified this to be replaced in the 2022/23 financial year replacement program, the funding for this has not been approved at this point, however it is included in the draft budget currently under consideration by Council.

BPKTCA has been successful in gaining a grant from St Vincent de Paul in the amount of \$25,000 to assist in the upgrade of the Bawley Reserve playground.

Once the availability of funding in the budget is confirmed Council can proceed to deliver a replacement playground in Bawley Point reserve with Council and BPKTCA grant monies.

Existing playground at Kioloa Sporting Complex

The playground at Kioloa Sporting Complex was installed in 2002 and is a small playset for younger children next to the tennis courts. This facility is aging and only meets the needs of small children. It has been identified through discussion with the CCB that this facility needs upgrading.

A funding submission for this playground upgrade has been submitted for Council consideration as part of the 2022/23 budget discussion, this funding is not approved at this point. Subject to confirmation of funding this playground can be replaced with an embellished play space.

CL22.195

Proposed BBQ and Shelter at Bawley Beach Reserve

The BPKTCA requested a new BBQ shelter after the BBQ from Malibu Drive reserve was removed. The BBQ at Malibu Drive was fuelled by woodfire. SCC no longer install woodfire BBQ's due to bushfire concerns hence why the BBQ was not replaced in this location. The location for the new electric BBQ and shelter was determined due to the electrical infrastructure, power available to the sites and location of public amenities which is a favourable asset when choosing a site for a BBQ.

These works have started with site fencing installed and will progress as weather permits.

Existing Basketball Court at Kioloa Sporting Complex

The courts at the Kioloa Sporting Complex require resurfacing due to cracking and age of the facility.

The community have been successful in grant funding to undertake this project which is proposing to proceed in the coming months with completion scheduled for end of year. Currently slab design is being finalised.

Financial Implications

There is no budget allocated for Skatepark and Recreation Hub and is not currently an identified project of Council.

The BBQ/shelter project is funded within Councils existing budget.

The playgrounds at Kioloa Sporting Complex and Bawley Beach Reserve have been identified from replacement budget and a budget bid submitted for Council consideration as part of the 2022/23 budget process.

The Basketball Court resurfacing is grant funded.

Overview – Graphic illustration of Survey Results Kioloa Bawley Point Skate Park/Recreation Hub

Skatepark

48.7% Yes

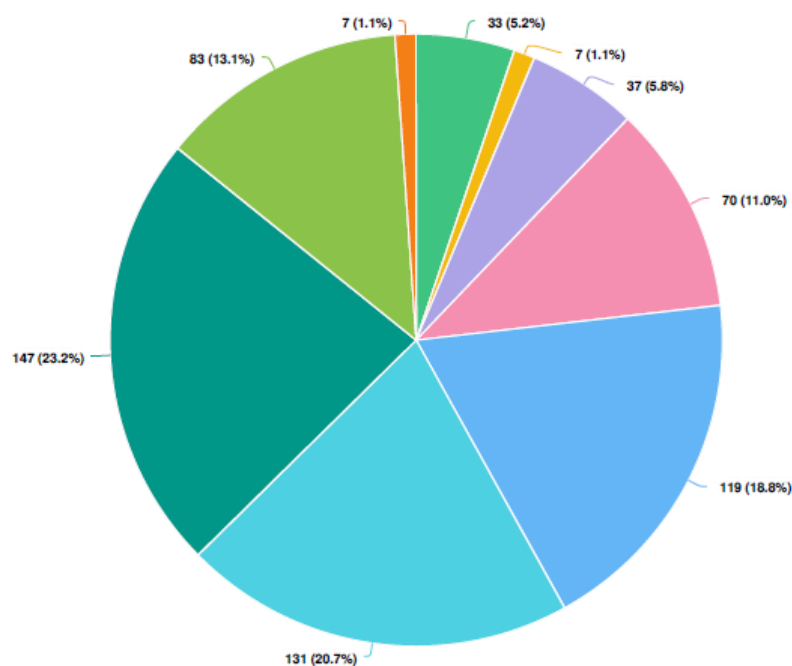
51.3% No

Recreation Hub

57% Yes

43% No

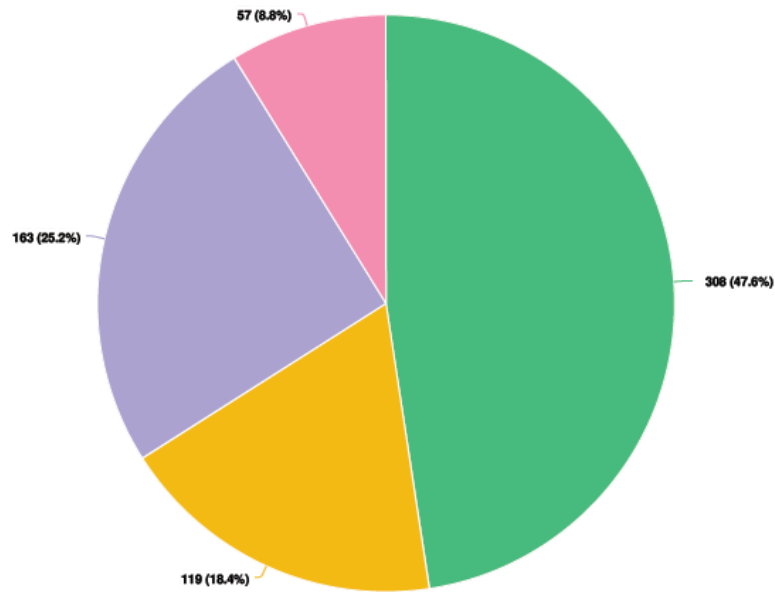
Q5 What is your age group?



Question options

● Less than 12
 ● 12 to 17
 ● 18 to 24
 ● 25 to 34
 ● 35 to 49
 ● 50 to 59
 ● 60 to 69
 ● 70 to 84
 ● 85 or over

Q6 What is your connection to Kioloa/Bawley Point?

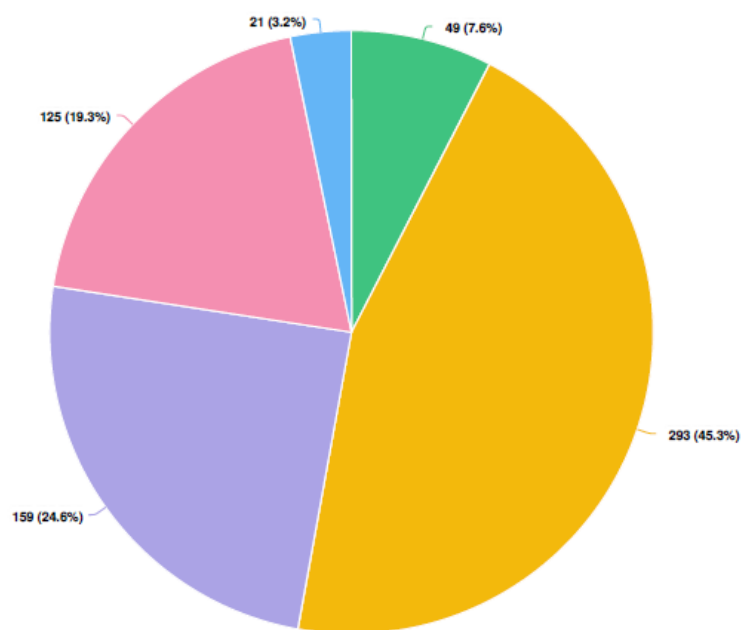


Question options

Resident Ratepayer Visitor Other (please specify)

Mandatory Question (647 response(s))
Question type: Dropdown Question

Q7 What best describes you?



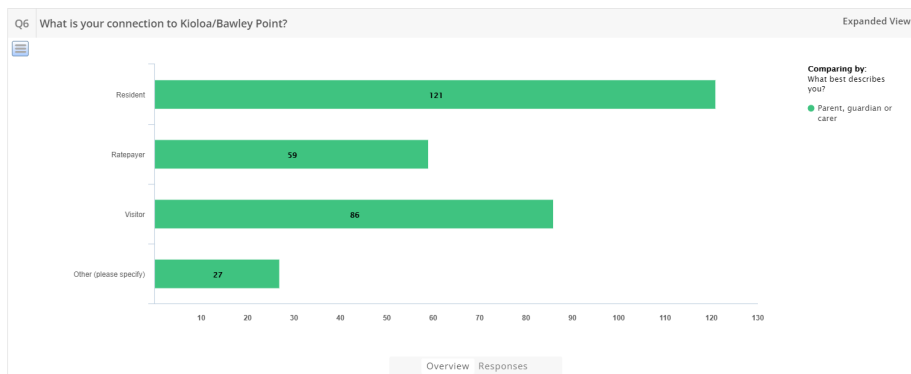
Question options

● Child/youth
 ● Parent, guardian or carer
 ● Grandparent
 ● Adult without children
 ● Other (please specify)

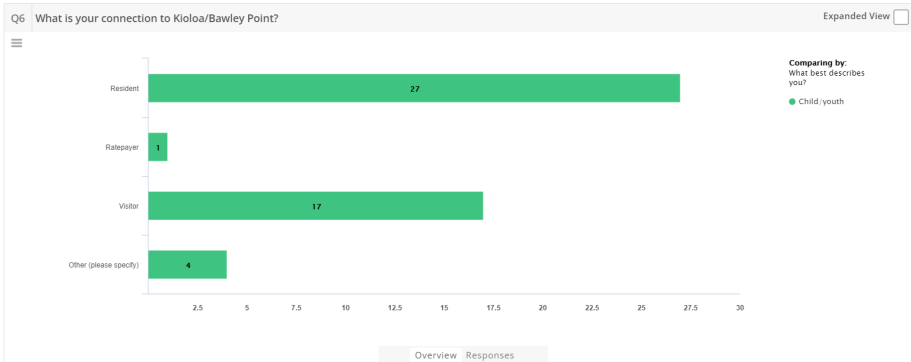
Mandatory Question (647 response(s))

Question type: Dropdown Question

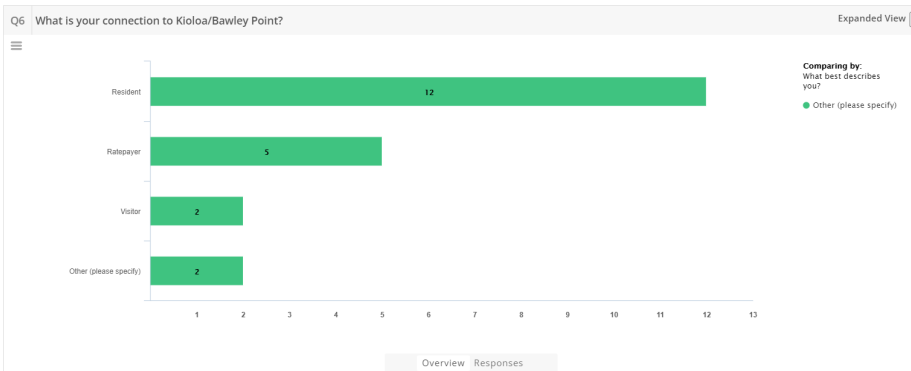




Mandatory Question (203 response(s))
Question type: Dropdown Question
Comparing by: What best describes you?
For answers: Parent, guardian or carer

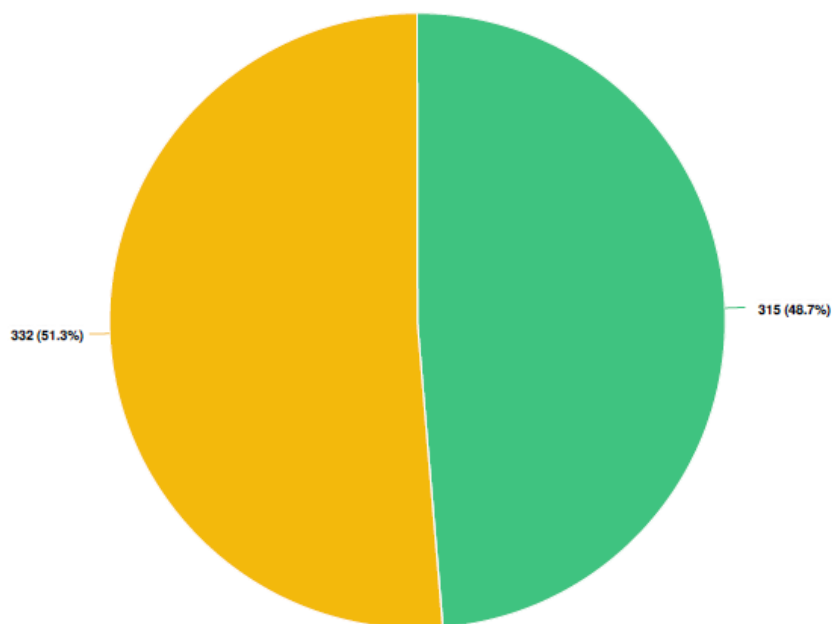


Mandatory Question (49 response(s))
Question type: Dropdown Question
Comparing by: What best describes you?
For answers: Child/youth



Mandatory Question (21 response(s))
Question type: Dropdown Question
Comparing by: What best describes you?
For answers: Other (please specify)

Q8 Do you support the development of a skatepark in the Kioloa/Bawley Point area?

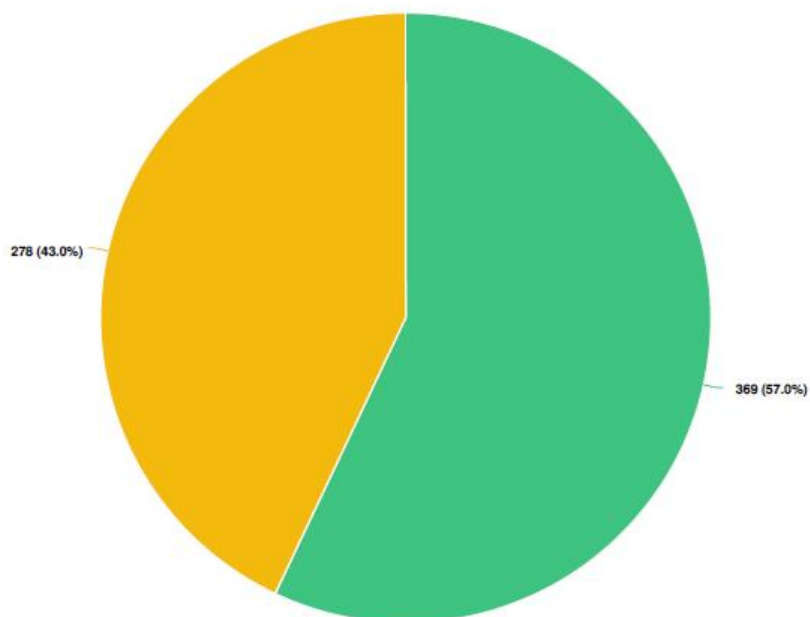


Question options

● Yes ● No

Mandatory Question (647 response(s))
Question type: Dropdown Question

Q10 Do you support the development of a recreation hub in the Kioloa/Bawley Point area?

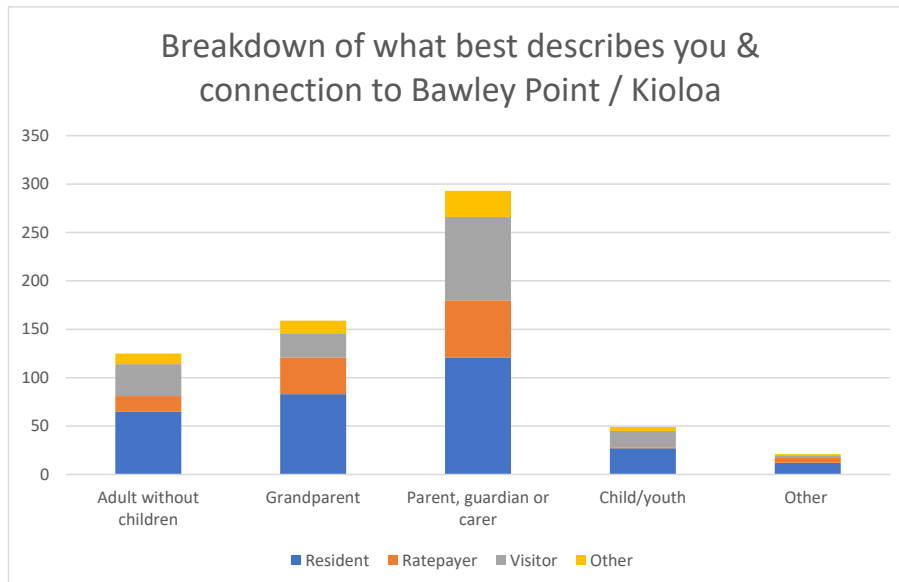


Question options

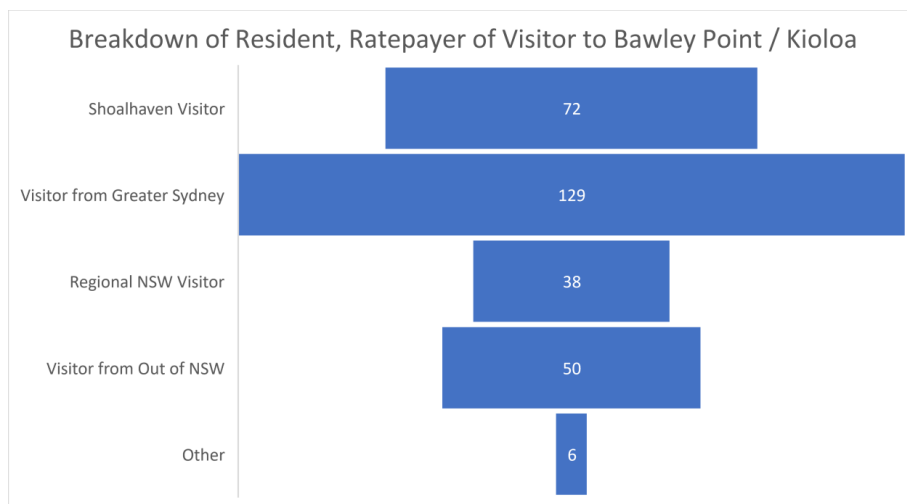
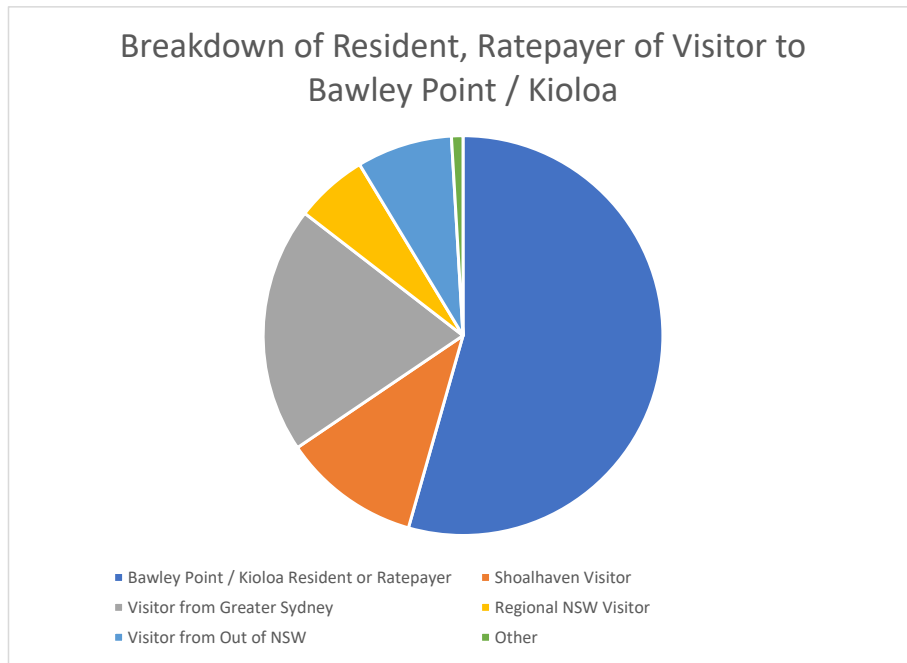
Yes No

Mandatory Question (647 response(s))
Question type: Dropdown Question

Breakdown of what best describes you & what is your connection to Bawley Point / Kioloa



Breakdown of Resident, Ratepayer of Visitor to Bawley Point / Kioloa



CL22.196 Access Areas for Dogs Policy Review - Community Consultation Overview and Proposed Way Forward

HPERM Ref: D22/63536

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Methodology / Timeline - Access Areas for Dogs Policy Review [↓](#)
2. Report - Progress / Status Update - Access Areas for Dogs Policy Review - Ordinary Meeting 27 July 2021 (under separate cover) [⇄](#)
3. Community Consultation Outputs Summary Report - Gauge Consulting (under separate cover) [⇄](#)
4. Proposed Structure - Revised Access Areas for Dogs Policy and Guide [↓](#)

Reason for Report

This report is to provide Council with an overview of the community consultation undertaken in 2021 for the Access Areas for Dogs Policy review and determine the way forward for the review of the existing Policy.

Recommendation

That Council:

1. Receive this report for information as an overview of community consultation undertaken in 2021 associated with the review of Access Areas for Dogs Policy.
2. Acknowledge and commend the involvement and interest of the community in providing feedback on the Access Areas for Dogs Policy.
3. Endorse the proposed methodology in relation to reviewing the Access Areas for Dogs Policy and Dog Off-Leash Guide based on the community feedback received to date.
4. Recognise that appropriate environmental due diligence must be exercised by Council, and environmental assessments are required in line with State and Commonwealth legislation for dog access areas.
5. Allocate a budget of \$180,000 from Council's Dog Off-leash Internal Reserve to fund the engagement of resources in Environmental Services, City Development to undertake the required environmental assessments in-house.
6. Receive a future report once resources are engaged on the scope of environmental assessments to be undertaken and the associated timeline to complete, noting that this work is required to be undertaken prior to a revised draft Access Areas for Dogs Policy being prepared.
7. Receive a future report on the proposed revised draft Access Areas for Dogs Policy, which will seek a Council resolution to place a revised draft Access Areas for Dogs Policy document on public exhibition.
8. Continue to liaise and engage with key stakeholders and community throughout the Policy review process.

CL22.196

Options

1. Adopt the recommendation.

Implications: This will allow the Policy review to proceed as per legislative requirements and community expectations.

2. Adopt an alternate recommendation.

Implications: This will not be in accordance with legislative requirements and community expectations. Council will need to provide direction on further actions and responsibilities in relation to the Policy review.

Background

Shoalhaven City Council's Access Areas for Dogs Policy and Dog Off-Leash Guide provides dog owners who utilise the public domain in the Shoalhaven Local Government Area (LGA) with conduct guidelines set out by Council in line with the *Companion Animals Act 1998* (NSW).

The identified purpose of Council's Access Areas for Dogs Policy [POL16/173] is

"to provide dog owners with public domain conduct guidelines as well as to define off-leash, on-leash and prohibited dogs areas for land and assets within the ownership, management, care and control of Council."

Council's policies are subject to review every four years in line with the Local Government election cycle. With the postponement of the Local Government elections in 2020 due to COVID-19, the comprehensive review of the Access Areas for Dogs Policy has now been undertaken.

A report on the Access Areas for Dogs Policy review was referred to Council's Ordinary Meeting in February 2021, where it was adopted (MIN21.92):

"That a Preliminary report on the progress of the Access Areas for Dogs Policy review and a status update on progress to be provided to the July Ordinary Meeting of Council".

On 20 May 2021, a Councillor briefing was held in relation to the review of the Access Areas for Dogs Policy. The proposed methodology of the review was presented to the Councillors attending the briefing who provided their support for the review and the associated proposed methodology.

An update report was referred to Council's Ordinary Meeting in July 2021, where it was resolved MIN21.568:

That Council:

1. *Receive this report as a status update on the progress of the Access Areas for Dogs Policy review for information.*
2. *Receive a future report on the revised Access Areas for Dogs Policy, which will seek a Council resolution to place a revised draft Access Areas for Dogs Policy document on public exhibition.*

Subsequent to the update report in July 2021, a number of unforeseen circumstances occurred resulting in Council staff making necessary adjustments discussed with Councillors in a separate briefing in September 2021. These included:

- COVID-19 outbreak and associated lockdowns;
- Postponement of NSW Local Government Elections; and

- Higher than anticipated number of responses received to the online Community Survey and submissions to Council, requiring additional time for accurate and meaningful analysis of feedback.

Council is also currently reviewing the appropriate approval pathways for dog access areas with consideration of the required environmental due diligence that needs to be exercised and thus, also affecting the initial methodology.

The project timing and methodology has been adjusted (see [Attachment 1](#)) to respond to the above circumstances and considerations, and to ensure the project is compliant with relevant legislation - in order to balance the aim of improving the overall Policy operation and to ensure a safe shared use of public space within the Shoalhaven.

Initial Community Consultation

The majority of the initial consultation undertaken in 2021 was outlined in the Update Report to Council in July 2021 (see [Attachment 2](#)).

An additional Notice of Motion presented at Council's Ordinary Meeting on 28 September 2021 that resolved (MIN21.657):

That:

- 1. As part of the Review of Access Areas for Dogs Policy and Guidelines the Community Working Group looks at the adequacy of the network of dispensers for dog waste bags and considers the feasibility of Council taking control of the purchase and supply of bags and dispensers across the Shoalhaven.*
- 2. Council also look at types of biodegradable disposable dog waste bags.*

As resolved, the second round of Focus Groups formed of members of the Community Working Group (CWG) were asked to look at the adequacy of the network of dispensers and consider the feasibility of Council taking control of the purchase and supply of bags and dispensers across the Shoalhaven.

Gauge Consulting – Community Engagement Summary Report

Council engaged independent consultant Gauge Consulting to provide professional facilitation and support services throughout the initial Community Consultation phase of the Policy review.

Tasks and engagement undertaken as part of the Community Consultation phase are summarised in Table 1 below:

Table 1 Key Tasks and Engagement – Initial Community Consultation Phase

Task / Engagement Method	Status
Internal Stakeholder Workshop	Completed June 2021
External Stakeholder Workshop	Completed June 2021
One on one Councillor discussions	Completed June 2021
Community Working Group Focus Groups – Round 1	Completed June 2021
Community Survey	Completed June – July 2021
Public Drop-In Sessions	Completed July 2021
Community Working Group Focus Groups – Round 2	Completed October 2021
Written Submissions	December 2020 – July 2021 (collated and analysed) Ongoing

CL22.196

Gauge Consulting's Community Engagement Summary Report (Engagement Summary Report) provided in [Attachment 3](#) provides an overview of engagement activities and outputs as per the initial Community Consultation phase of the Policy review, as detailed above in Table 1.

The initial Community Consultation phase was designed around the development of a shared criteria for success, for Council to use as the basis for reviewing the Policy and Guide.

It was identified by the community that the revised Policy and Guide (as adapted from Engagement Summary Report):

- *Provides accessible dog-friendly spaces and facilities that support the health and wellbeing of dogs and their owners*
- *Supports the safe and satisfactory coexistence of dogs with other users of the space (e.g., families, sportspeople), as well as providing dog-free public and natural spaces*
- *Helps to protect the natural environment, especially threatened and endangered wildlife (e.g., shorebirds)*
- *Is simple and logical, aligned with best practice, and based on research and consultation*
- *Sets owners up for success, with effective education and amenities provided to give owners every chance to do the right thing*
- *Enables effective enforcement when people don't do the right thing, especially to help keep people and dogs safe*
- *Supports local tourism (recognising visitors are attracted by the natural beauty and the dog-friendliness of the area)*
- *Provides consistent, positive messaging – including signage – that is easy to find and that clearly explains the 'why' behind dog access or prohibited areas*
- *Includes the resources to support ongoing implementation of the policy*
- *Is compliant with all relevant State legislation*
- *Includes collaborative efforts and input from Council teams, State Government agencies and industry or volunteer organisations*

The above criteria have been considered in the development of the attached project Methodology ([Attachment 1](#)).

Additional key insights and themes for consideration identified through community and stakeholder contributions are listed below (as adapted from Engagement Summary Report):

- *Shared criteria for success*
- *Spending priorities*
- *Clearly communicated*
- *Environmentally-friendly*
- *Dog-friendly (spaces)*
- *People-friendly (preventative)*
- *Logical and collaborative*
- *Dog-friendly (infrastructure)*
- *People-friendly (well-enforced)*

Internal Feedback – Additional Comments for Consideration

Email correspondence was sent to relevant Council sections requesting feedback on the Engagement Summary Report. The sections contacted for comment reflected those invited to attend the Internal Stakeholder Workshop held in June 2021.

Additional considerations beyond those outlined in the Engagement Summary Report received by internal staff are summarised below:

- Requirements of all relevant legislation needs to be met, to include State and Commonwealth levels
- Collaboration with regulatory bodies and key stakeholders for different land managers and owners
- Appropriate environmental due diligence to ensure consideration of all environmental aspects
- Education and consistent messaging on legislative / regulatory requirements to ensure community understanding and a balance of expectations from all stakeholders
- Accurate and up to date signage reflecting environmental fluctuations
- Regular monitoring of dog access areas with updates to reflect changes if additional mitigation measures are required
- Vehicular and pedestrian access ways to dog access areas to be well-maintained
- Asset custodians to ensure that the service provision is a great customer experience (safe, reliable, secure, fit for purpose) and financially sustainable
- Good governance through the Policy to ensure performance is maintained, risk is minimised, environment is protected and cost effective to ratepayers
- Consideration of capital and ongoing costs to operate and maintain

Literature Review

A review of relevant companion animal and dog plans and policies from other NSW councils was undertaken to compare against Council's Policy. The literature review focussed on the critique of these documents and the applicability of these to the Shoalhaven, as well as the identification of their strengths, weaknesses, opportunities, and threats to identify best practice approaches and considerations. The documents reviewed were suggested through the initial community consultation phase, with others identified by Council staff which included, but was not limited to:

Plans and Policies

- Bega Valley Shire Council – *Companion Animal Management Policy*
- Blue Mountains City Council – *Dogs in Public Places Strategic Plan 2017*
- Eurobodalla Shire Council – *Companion Animal Management Plan 2018*
- City of Newcastle – *Dogs in Open Space Plan*
- City of Sydney – *Companion Animals Policy*
- Wollongong City Council – *Dogs on Beaches and Parks Policy*

Best Practice Approaches / Considerations:

Of the plans and policies reviewed to attain considered best practice, a large percentage had similar content, approaches, and actions. Bega Valley Shire Council, Eurobodalla Shire Council and Wollongong City Council all reflected a holistic, comprehensive, and considered approach based on the shared criteria for success developed by the CWG.

It is considered that the structure, content, and mapping within these three select council documents reflect best practice approaches that would result in successful operation and enforcement of dogs and other companion animals in the public domain. These subject policies and plans were analysed at a desktop level only.

To ensure Council's methodology and approach to reviewing the Policy was robust and considered, the following aspects derived from the considered best-practice approaches have been incorporated into the methodology for the Policy review:

- Robust engagement and consultation with key stakeholders, agencies, and community;
- Clear objectives for the document which provides a strategic approach to dogs in the public domain;
- Explanation and education of general and legislative responsibilities for dogs and owners, and other users of the space;
- Meeting legislative requirements and conducting appropriate due diligence assessments; and
- Considered reasoning and approaches to designation and categorisation of dog access areas, supported by clear mapping and signage.

Inter-Council Collaboration

Council collaborated with NSW local councils to enquire about dog related plans, policies, or strategies relevant to their local government area. Questions were posed relating to the following factors / processes:

- Approach to categorisation / designation of dog access areas
- Provision of beaches
- Position on fenced dog off-leash areas
- Assessments and due diligence relating to change of use / designation
- Community consultation and stakeholder engagement
- Provision of dog infrastructure

Email responses received back from:

- Bega Valley Shire Council – Ranger Services
- City of Sydney - Parks and Recreation
- Eurobodalla Shire Council – Environmental Health and Compliance
- North Sydney City Council – Parks & Reserves
- Randwick City Council – Technical Services
- Waverley Council – Recreation & Open Space
- Wollongong City Council – Compliance & Regulation

Informal conversations (phone or in-person) were carried out with representatives from:

- Kiama Municipal Council – Ranger Services
- Northern Beaches Council – Open Space & Recreation
- Wollongong City Council – Compliance & Regulation
- Woollahra Municipal Council – Ranger Services

The email correspondence received has been recorded for reference and will be considered in an ongoing basis throughout the preparation of the revised documents.

Methodology / Review Process

The Project Team consists of Council staff from City Lifestyles and City Development who have attended regular meetings and considered workshops since the inception of the Policy review project.

Engagement and feedback received from community, stakeholders, and other NSW councils, along with robust desktop analyses has guided the Project Team's development of an approach to reviewing the Policy and Guide. This proposed Methodology is included in [Attachment 1](#), with the proposed Table of Contents for the revised Policy at [Attachment 4](#).

The proposed Methodology has been confirmed by the Project Team, noting commitment to the anticipated timeframes and key tasks and milestones for completion. However, it has been identified that select external factors may affect the timeframes within the Methodology, provided below:

- Number, type, and detail of environmental assessments required;
- Receipt and review of consultation feedback; and

Verification of assessment pathways for dog access areas.

Receive a future report once fixed term staff are engaged on the scope of environmental assessments to be undertaken and the associated timeline to complete, noting that this work is required to be undertaken prior to a revised draft Access Areas for Dogs Policy being prepared.

Community Engagement

Council's proposed Methodology ([Attachment 1](#)) and engagement plan has identified several opportunities for key stakeholders, community, and the wider public to provide feedback on the revised Policy and Guide. Most notably, the revised draft Policy and Guide will be on public exhibition for a minimum of four (4) weeks once a draft Policy has been reported to Council and endorsement for exhibition has been received.

Submissions are consistently being received from community and recorded in Council's records system for consideration at such a time the feedback is received after public exhibition of the draft Policy and Guide.

The draft policy will also include an Implementation Plan which identifies a range of strategies and actions to give effect to the Policy to ensure it can be practically implemented from an operational perspective, for compliance purpose and also raising community awareness and education.

Policy Implications

Legislation that will be considered in development of the revised Policy and Guide will include, but not be limited to the list below:

- *Biodiversity Conservation Act 2016*
- *Civil Liability Act 2002*
- *Coastal Management Act 2016*
- *Companion Animals Act 1998*
- *Crown Land Management Act 2016*

- *Environmental Planning and Assessment Act 1979*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Fisheries Management Act 1994*
- *National Parks and Wildlife Act 1974*
- *Marine Estate Management Act 2014*
- *Local Government Act 1993*
- *Shoalhaven Local Environmental Plan 2014*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*

In addition to the above list, the revised documents will be aligned with relevant Council plans and policies, noting all of Council's Policies are to be reviewed within twelve (12) months of the election of a new Council.

Financial Implications

Methodology

Gauge Consulting has provided the project team with the outputs of the initial Community Consultation phase, in the Engagement Summary Report. The remainder of the Policy review will be guided by these outputs and completed internally by Council staff from City Lifestyles and City Development.

Environmental Due Diligence

As noted in the proposed Methodology (Attachment 1), a number of environmental assessments are required to be undertaken. Assessments for dog off-leash areas cost between \$5,000 and \$20,000 each at current market value and must be completed by appropriately qualified specialists.

To undertake the required environmental assessments for the Policy review it has been identified an additional resources in Environmental Services, City Development are required. Allocation of \$180,000 to fund additional fixed-term positions to be able to undertake the environmental assessments in-house, representing a saving of approximately \$300,000 if the environmental assessments were to be outsourced to an external consultant.

Funding Source:

The environmental assessment is a prerequisite for the implementation of the Policy. Therefore, it is recommended to fund the fixed term position from the Dog Off-leash Area Internal Reserve that was established by Council resolution on 25 August 2020 (MIN20.579). The current reserve balance is \$112,000 and will increase by another \$70,000 next financial year). Hence, funding of \$182,000 will be available in the 2022/23 operational budget which is proposed to allocate funding from this source for the engagement of resources to undertake these review.

Implementation

Once the revised Policy has been endorsed and adopted by Council, there will be a number of actions flowing on from this to be implemented which will include:

- Council's website to include updated Policy and Guide with better interface, including Ranger enforcement and incident reporting;

- New signage in accordance with updated Policy and Guide, in line with *Companion Animals Act 1998* and to reflect the presence/absence of threatened and migratory shorebirds; and
- Infrastructure associated with off-leash areas which may include dog waste dispensers, water fountains, shade, seating, and fencing.

To give effect to the revised Policy an Implementation Plan has been foreshadowed as part of the revised document. A Funding Implementation Plan will be developed to support the revised Policy. This will identify and prioritise actions and their associated costs. This will allow funding to be identified in the long-term financial plan to support the Policy.

The 2022/23 Draft Capital Works program includes \$50,000 allocation that will be used to deliver infrastructure and associated assets as required upon endorsement of the revised policy..

Risk Implications

Council's Policies and Plans are required to be in line with relevant State and Commonwealth Legislation. If these requirements are not being met, Council may not meet its statutory requirements, leading to legislative non-compliance and reputational risk.

Council has a responsibility to ensure that public space in its care and management provides equal and safe use and access, whether human, flora, or fauna, native or domestic. Dog ownership is increasing in the Shoalhaven LGA with reporting indicating potential conflicts in land use. The revised Policy and Guide is required to be fit for purpose to ensure the overall Policy operation allows a safe shared use of public space, while permitting regular monitoring and effective enforcement.

CL22.196

April 2022

Policy Review - Methodology and Timing

Tasks	Engagement	Timing	Status / Actions
Develop Project Plan Establish Project Team Desktop review of Policy and Guide LGA-Wide Dog Signage Audit Engagement of Consultant Develop Engagement Plan	<ul style="list-style-type: none"> Announcement of project commencement Establish Get Involved page Receipt of Expressions of Interest to form Community Working Group 	December 2020-April 2021	Complete
Initial Community Consultation Phase	<ul style="list-style-type: none"> Regular Get Involved updates Internal/External Stakeholder Workshops Community Working Group Focus Groups – 2 Rounds Public drop-In Sessions Council 1 on 1 sessions Receipt of submissions (ongoing)	May-November 2021	Complete
Receive final Community Engagement Outputs Summary Report from Gauge Consulting		December 2021	Complete
Request for Internal Review of Community Engagement Outputs Summary Report Receipt of Internal Feedback	Internal Council sections request for feedback	January-February 2022	Complete
Collation of Internal Feedback Analysis of Consultation Feedback Preparation of approach and considerations to revised Policy Preparation of Briefing and Report		February-April 2022	Complete
Briefing to Council on: <ul style="list-style-type: none"> Outcome of the Community Consultation Presentation of Community Engagement Outputs Summary Report 	Briefing to Councillors	21 April 2022	Current
Report to Council: <ul style="list-style-type: none"> To seek endorsement of Community Engagement Outputs Summary Report To seek direction for the approach to revised Policy 	<ul style="list-style-type: none"> Announcement of Council meeting date and release of Agenda and attachments Release of Gauge Report 	26 April 2022	Current
Identification of scope of environmental assessments Report to Council on scope of environmental assessments and associated timeline for completion.	<ul style="list-style-type: none"> Announcement of Council meeting date and release of Agenda and attachments 	June / July 2022 This will inform the timeline for the preparation of the revised draft Policy and	

April 2022

		take into consideration the number, type and detail of assessments required.	
Preparation of the revised draft Policy Environmental assessments Internal review and feedback on revised draft Policy	<ul style="list-style-type: none"> • Receipt of feedback on Gauge Report • Internal Council and key external Agency review and feedback on draft revised Policy 	May- November 2022 (anticipated)	
Briefing to Council on revised draft Policy Report to Council to seek endorsement of revised draft Policy and place associated documents on public exhibition	<ul style="list-style-type: none"> • Briefing to Councillors • Announcement of Council meeting date and release of Agenda and attachments 	TBA	
Public Exhibition of documents (min 28 days) in concurrence with submissions accepted to receive feedback on revised draft Policy and public drop-in sessions and community survey	<ul style="list-style-type: none"> • Announcement / media release of public exhibit of documents specifying exhibition dates • Internal Council and key external Agency review and feedback • Online survey (to include feedback on specific dog access areas) • Detailed submissions accepted • Public drop-in sessions 	TBA	
Collation of feedback received during public exhibition period Update of draft Policy in accordance with feedback received	<ul style="list-style-type: none"> • Internal Council and key external Agency review and feedback (if required) 	TBA	
Report to Council with final draft Policy to seek endorsement	<ul style="list-style-type: none"> • Announcement of Council meeting date and release of Agenda and attachments (to include final draft Policy) 	TBA	
Pending Council's resolution, implementation of new Policy along with erection and installation of associated infrastructure.	<ul style="list-style-type: none"> • Announcement / media release on endorsement of Policy and timeline of infrastructure roll-out 	TBA	

CL22.196 - Attachment 1

Access Areas for Dogs Policy

1. Purpose

1.1 Purpose

1.2 Introduction

2. Statement

2.1 Statement

2.2 Objectives

3. Provisions

3.1 Definitions

3.2 Background

3.3 Legal Responsibilities

3.3.1 Dogs On-Leash

3.4 General Responsibilities

3.4.1 Enforcement and Education

3.4.2 Environmental Matters

3.5 Conditions of Use

3.5.1 Public Safety

3.6 Dog Control Areas

Dog Prohibited Areas (Red Zones)

Dog On-Leash Areas (Orange Zones)

Dog Off-Leash Areas (Green Zones)

3.7 Provision of Facilities

3.8 Signage

3.9 Enforcement

Mapping

4. Implementation

4.1 Implementation

4.1 Action Plan

5. Review

5.1 Monitoring

5.2 Review

CL22.197 Narrawallee Beach - Dog Access Areas - Review of Environmental Factors

HPERM Ref: D22/150258

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Review of Environmental Factors - Dog Off-Leash Access (under separate cover) [↗](#)

Reason for Report

To re-present this report to Council following the requested Councillor Briefing and to seek Council's concurrence to proceed with the Proposed Activity concerning dog access areas and associated works at Narrawallee Beach.

Recommendation

That Council, after consideration of the proposed dog off-leash area and associated works at Narrawallee Beach (the Proposed Activity) assessed in the Review of Environmental Factors dated 28 January 2022 (the REF):

1. Determines:
 - a. that it has examined and taken into account, to the fullest extent possible, all matters affecting, or likely to affect, the environment by reason of the Proposed Activity.
 - b. that the Proposed Activity is unlikely to significantly affect the environment provided that the proposed safeguards and mitigation measures identified in the REF are adopted and implemented, and therefore, an Environmental Impact Statement is not required to be obtained, examined, and considered in respect of the Proposed Activity; and
 - c. to adopt and implement the proposed environmental safeguards, mitigation measures and controls identified in the REF.
2. Pursuant to section 13(6) of the Companion Animals Act 1998, declare that part of Narrawallee Beach between BA8 and BA2 identified in Figure 3 of the REF to be an off-leash area between the hours of 4pm and 8am Australian Eastern Daylight-Saving Time and between 3pm and 10am Australian Eastern Standard Time.
3. Pursuant to section 14(1)(d) of the Companion Animals Act 1998 declare that part of Narrawallee Beach at BA1; between BA9 and BA15; and between IA1 and IA3 as identified in Figure 3 of the REF to be dog prohibited.

Options

1. Adopt the recommendations.

Implications: This is recommended as the Proposed Activity, with the proposed safeguards and mitigation measures, will inspire social interaction, inclusion and support the health and wellbeing for the community and their dogs whilst ensuring and maintaining the protection of the environment including the nesting shorebird population.

2. Not adopt the recommendations and modify or amend the Proposed Activity, including, for example, the location or timing of the Proposed Activity.

Implications: Depending on the nature of any modifications or amendments of the Proposed Activity, further investigations, including a further REF may be required to be undertaken and may result in financial and time implications.

3. Not adopt the recommendations and direct Council staff to undertake investigations and further reporting on any alternative proposals.

Implications: Further investigations and reporting may have time and financial implications.

Background

At the Ordinary Council meeting on 21 February 2022, a confidential report was considered by Council. As a result of the meeting, Council resolved (MIN22.150C)

That Council:

1. *Receive and note the confidential legal advice received in relation to this matter.*
2. *Note that investigations and assessments are currently underway which will inform the way forward for Dog Access to Narrawallee Beach.*
3. *Proceed in accordance with Option 1 in the report and receive a further report from Council officers regarding the way forward in relation to Dog Access at Narrawallee Beach in March 2022.*

In accordance with the above resolution, a report was provided to Council at its the Ordinary Council Meeting on 28 March 2022 with an update regarding investigations completed and the way forward in relation to Dog Access at Narrawallee Beach.

As a result of the meeting, Council resolved (MIN22.202):

That in relation to Narrawallee Beach - Dog Access Areas - Review of Environmental Factors, the matter be referred to a Councillor Briefing due to legal advice being received today and then the matters be reported back to Council.

A Councillor Briefing was arranged for Thursday 21 April 2022 and this matter is now re-presented to Council to seek Council's concurrence to proceed with the Proposed Activity concerning dog access areas and associated works at Narrawallee Beach.

Historical Context & Public Recreational Use

Narrawallee Beach has historically been used by the public for recreational purposes since prior to 1964. This public recreational use has continued to date and has included various recreational activities, including dog on-leash and off-leash activities.

Having regard to public recreational use of Narrawallee Beach commencing prior to 1964 and continuing to date, Narrawallee Beach has the benefit of a lawful continuing use right for the purpose of a public recreation area pursuant to section 4.68 of the *Environmental Planning and Assessment Act 1979*.

Dog access on Narrawallee Beach is considered an activity as defined under Part 5 of the *Environmental Planning and Assessment Act 1979* and in accordance with the requirements of Part 5, a Review of Environmental Factors dated 28 January 2022 has been prepared and forms Attachment 1.

Review of Environmental Factors

The Proposed Activity is dog off-leash activity and associated works at Narrawallee Beach, Narrawallee as identified in the REF and includes:

CL22.197

- The on-leash transit area between Surfers Avenue and Victor Avenue (identified in Figure 3 of the REF as areas BA1 and BA2 respectively) where dogs can be walked on-leash to access the timed off-leash area to the north (identified in Figure 3 of the REF as between areas BA2 and BA7).
- The timed off-leash access area (identified in Figure 3 of the REF as between areas BA2 and BA8), where dogs may be off-leash during off-peak times (4pm – 8am Australian Eastern Daylight-Saving Time and 3pm – 1pm Australian Eastern Standard Time).
- The dog prohibited area between Narrawallee Creek Nature Reserve and the timed off-leash area (identified in Figure 3 of the REF as between areas IA1 and BA8) which provides a buffer area to mitigate impacts of off-leash dogs to shorebird habitat at the Narrawallee Creek Inlet and Nature Reserve.
- The installation of signage to outline restrictions of the Proposed Activity.

Shoalhaven City Council is the proponent and determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*. The environmental assessment of the proposed activity and associated environmental impacts has been undertaken in the context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*. In doing so, the REF assists in fulfilling the requirements of section 5.5 of the Act that Council examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The REF has been attached under separate cover for Council's reference, and concludes as follows:

This Review of Environmental Factors has assessed the likely environmental impacts, in the context of Part 5 of the Environmental Planning and Assessment Act 1979, of a proposal by Shoalhaven City Council to permit dogs off-leash on a stretch of Narrawallee Beach, including the associated sign installation.

Shoalhaven City Council has considered the potential environmental effects of the proposal and the effectiveness and feasibility of measures for reducing or preventing detrimental effects. It is determined that:

1. *The proposed safeguards identified in the report (Section 2.4) shall be adopted and implemented.*
2. *It is unlikely that there will be any significant environmental impact because of the proposed activity and an Environmental Impact Statement is not required for the proposed activity.*
3. *The proposed activity is not likely to significantly affect threatened species or ecological communities, or their habitats and entry into the Biodiversity Offset Scheme or preparation of a Species Impact Statement is not required.*
4. *The proposed activity is not a 'controlled action' for the purposes of the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 and referral to the Commonwealth Environment Minister is not required.*

Community Engagement

Pursuant to section 2.21(2)(c) of the *Environmental Planning and Assessment Act 1979* community participation is not required as it was determined in the REF that an environmental impacts statement was not required.

Council has however, undertaken engagement with the community and key stakeholders as detailed below.

Community Engagement

Council has received ongoing community feedback both in support, and in opposition of dog access to Narrawallee Beach since before to the implementation of the Access Areas for Dogs Policy in 2005. This feedback has been received in a variety of forms such as submissions, petitions, and in-person consultation. The most recent trial involved Councillors and Council staff liaising with local individuals and interest groups, encouraging all to provide written feedback in relation to the operation of the trial.

The current review being undertaken of Council's Access Areas for Dogs Policy has included extensive community engagement, offering multiple opportunities for the community to provide feedback. In that, site specific feedback and suggestions have been received in relation to dog access areas across the Shoalhaven, inclusive of Narrawallee Beach.

NSW National Parks and Wildlife Service (NPWS)

As part of the Review of Environmental Factors and assessment of environmental impacts pursuant to Part 5 of the Environmental Planning and Assessment Act 1979, Council consulted with NPWS and as part of its environmental safeguards and measures to minimise impacts, will continue to engage with NPWS.

Department of Planning Industry and Environment (DPIE)

DPIE have been consulted to determine whether Council is required to obtain any specific licence for the proposed activity. DPIE have advised that Council, as the Crown Land Manager over Reserve 91246 – Lot 7009 DP 1116370, known as Narrawallee Beach Reserve, is the authority to issue consent over the Reserve and that Crown approval is not required. DPIE have also advised that any activity should be in accordance with the Reserve Purpose which is Public Recreation, Public Places, Community Consultation or other approvals under the Environmental Planning and Assessment Act 1979.

DPIE have also advised Council that the Crown does not issue licences for unreserved area of land below the MHWM and that it does not have any existing policy for such land.

Based on advice from DPIE, Council is not required to obtain any licences associated with the proposed activity.

Policy Implications

Council is in the process of reviewing the Access Areas for Dogs Policy. If Council concurs with the recommendations, the Proposed Activity at Narrawallee Beach will be included in the revised Access Areas for Dogs Policy.

Financial Implications

The Proposed Activity reflects the current activity on Narrawallee Beach. The safeguards and mitigation measures recommended in the REF will be required to be implemented, managed and maintained by Council staff. Such measures are already being undertaken by staff and are not anticipated to have any significant financial implications.

Risk Implications

Environmental risks have been identified and addressed in the REF by the recommendation of safeguards and mitigation measures. These safeguard and mitigation measures will be required to be implemented and maintained by Council staff.

CL22.198 Design Options and Way Forward - Refurbishment of the Bomaderry Basketball Stadium and Integration with the Shoalhaven Indoor Sports Centre

HPERM Ref: D21/426714

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Consultation Summary Report - Pre-design survey [↓](#)
2. Stakeholder Consultation Summary (councillors information folder) [⇒](#)
3. Presentation - Design Options 1 and 2 (under separate cover) [⇒](#)
4. Presentation - Design Options 3 and 4 (under separate cover) [⇒](#)
5. Cost Estimate - Options 1 and 2 (councillors information folder) [⇒](#)
6. Cost Estimate - Faceplate extension - Options 3 and 4 (councillors information folder) [⇒](#)
7. Supplemental Financial Information (councillors information folder) [⇒](#)

Reason for Report

The refurbishment of the Bomaderry Basketball Stadium and Integration with the Shoalhaven Indoor Sports Centre currently has four (4) concept design and layout options, which have been developed over the course of the project. This report is to seek Council's resolution on the most appropriate design option to progress to 'construction ready', through phases of detailed design, development approval, and construction certification.

Recommendation

That Council:

1. Receive this report for information on the consultation that has occurred for the refurbishment of the Bomaderry Basketball Stadium and integration with the Shoalhaven Indoor Sports Centre and the design options that have been developed.
2. Endorse Design Option 3 (sawcut roof with a building footprint extension) as the preferred way forward for the refurbishment of the Bomaderry Basketball Stadium.
3. Proceed to the Detailed Design stage, lodging of a Development Application and issuing of a Construction Certificate to advance the Bomaderry Basketball Stadium and integration with the Shoalhaven Indoor Sports Centre to become construction ready / 'shovel ready'.
4. Staff continue to advocate and seek grant opportunities to secure funding towards the project as it progresses to construction ready status.

Options

1. Adopt the recommendation - Proceed with Option 3 (sawcut roof) – with extended building footprint and faceplate.

Implications: This option will incur additional cost as this design is an increase from the initial scope of the project. Option 3 provides the community with an opportunity to have

CL22.198

- more changerooms to cater for large events. This options provides the façade option that best reflects the history of the building.
2. Proceed with Option 4 (straight edge roof) – with extended building footprint and faceplate.
Implications: This option will incur additional cost as this design is an increase from the initial scope of the project. Option 4 provides the community with an opportunity to have more changerooms to cater for large events. This option does not provide a façade that reflects the building’s history.
 3. Proceed with Design Option 1 - sawcut roof with existing building footprint.
Implications: This is the most economical upgrade for the Bomaderry Basketball Stadium and integration with the Shoalhaven Indoor Sports Centre. Design Option 1 Saw Cut Roof within existing building footprint reflects the façade option that best reflects the history of the building and will allow the project to progress on time and budget.
 4. Proceed with Design Option 2 – straight roof form with existing building footprint.
Implications: This option requires additional budget in comparison to Design Option 1. This option does not provide a façade that reflects the building’s history, however, will allow the project to progress on time.

Background

The development of the Shoalhaven Community and Recreation Precinct (SCaRP) is to provide a multipurpose community facility which is efficient and sustainable to meet today’s local and regional community needs with spaces to deliver health, fitness, education, wellbeing, and community services. Part of the SCaRP precinct includes the new Shoalhaven Indoor Sports Centre (SISC) and the refurbishment of the Bomaderry Basketball Stadium.

The original Bomaderry Basketball Stadium has been closed since 2019, following the opening of the SISC. It is currently not being utilised due to the building not meeting the relevant building or sporting codes for basketball, netball and volleyball competitions, as well as ongoing maintenance issues and asbestos lining which is proposed to be removed and disposed of as part of the works. The basketball courts and stadium were built in 1966.

In 2019, Council had secured Edmiston Jones to complete a Functional Review of the original Bomaderry Basketball Stadium. These documents identified what works were needed to remove the asbestos and to refurbish the stadium back to playing standards. The Functional Review and subsequent QS were based on preliminary investigations without community feedback.

In January 2020, a report was referred to the Strategy and Assets Committee Meeting, which discussed aspects of SCaRP, including the Functional Review report for the original Bomaderry Basketball Stadium. As a result of the meeting, it was resolved (In part - MIN20.28):

That Council:

1. *Regarding the design and relevant approvals for the southern section of the SCaRP project, being the Artie Smith Oval Site and the existing Basketball Stadium:*
 - a. *Receive the Artie Smith Oval DA Ready Design report (Attachment 1), including the estimated costing plan (Attachment 3, Confidential), for information and give ‘In Principle’ support for the project to proceed*
 - b. *Receive the functional review report on the existing Basketball Stadium including the estimated costing plan for information and give ‘In Principle’ support for the project to proceed*

CL22.198

- c. *Progress necessary steps to enable the lodgement of Development Applications to be funded from within existing budgets*
- d. *Proceed to develop the Capital Expenditure Review Report for the Office of Local Government from within existing budgets.*

In line with the above resolution, Council staff have progressed investigations to refurbish the Bomaderry Basketball Stadium to meet current building standards, adhere to the relevant sporting codes, and integrate with the new Shoalhaven Indoor Sports Centre.

In 2021, Council secured Conybeare Morrison International Pty Ltd (CM+) to complete a concept design based on community consultation, detail design documentation, development approval, and construction certification. The complete design documentation will provide Council with a strong platform to deliver the works to provide community with an additional 2 playing surfaces / courts, incorporated into the SISC.

The original project brief to CM+ was to redesign the interior of the existing building, utilising and within the existing building footprint.

Community Engagement

Extensive community and stakeholder engagement has occurred, which was led by Council and in coordination with CM+. The consultation provided the community and stakeholders the opportunity to inform the design of the refurbishment of the Bomaderry Basketball Stadium and to be a part of the design process. The consultation was advertised via Council's social media and Get Involved platform, notices to stakeholders and relevant committees/organisations, and letter box drops to surrounding residents.

The following internal and external stakeholders were included in the consultation:

External Stakeholder	Roles
Shoalhaven Basketball Association	President, Lifetime members, Former Coordinator/Coach
Volleyball	Volleyball Coordinator
Bomaderry High School	Principal
TPA Collective (Arts)	Executive Producer
Nowra LALC	Former CEO
Bomaderry Pride	Chair, Representative
Bomaderry Inc	Chair, Representative
Futsal	Coordinator
Cricket	Cricket NSW, Coordinators

Internal Stakeholders	Roles
Youth Advisory Committee	Members
Aboriginal Advisory Committee	Members
Inclusion and Access Advisory Group	Members
Shoalhaven Sports Board	Members
Councillors	NA
Swim Sport and Fitness	Department Manager - SSF Manager – Northern Precinct Northern Precinct Facilities Officer Indoor Sports Centre Coordinator
Community Planning and Projects	Strategic Planner Project Manager – Construction Manger – Social Infrastructure Planning Asset Strategic Planner

CL22.198

Community Connections	Department Manager
Building Services	Department Manager

A summary of the various forms of consultation conducted for the project are below:

Online pre-design survey via Get Involved

- Online survey was available for completion between 30 July and 30 August 2021. The survey was promoted extensively throughout the community, which had 252 responses.
- 35% of respondents were between the ages of 35 and 49. 17.5% being between 12 and 17 years of age.
- Responses were received from 32 towns in the Shoalhaven, while 50 respondents resided in other Local Government Areas
- 71% of respondents had utilised both the existing Shoalhaven Indoor Sports Centre, and the original Basketball Stadium, while 23% of respondents had not utilised either facility.
- 65% of respondents identified basketball and associated activities to be a priority

Further details of the survey results can be viewed in [Attachment 1](#).

Consultation and Workshops (Internal and External)

- 10 August 2021 (external stakeholders workshop)
 - Consultation held at the SISC upstairs in the meeting room. Attendees included Bomaderry Pride, Bomaderry Community Inc, and Shoalhaven Basketball Association.
- 26 August 2021 (additional external stakeholders workshop)
 - Council met with Volleyball and Futsal separately to round out the consultation process and fill in gaps that were missed in the 10 August consultation.
- 26 August 2021 (internal stakeholders)
 - Workshop with the Asset Custodian, Building Services Team, and Community Planning and Projects Department
- 2 September 2021 (internal / Councillor stakeholders)
 - CM+ presented to Councillors the two facade options. Feedback was provided staff and Councillors.
- 9 September 2021 (internal stakeholders)
 - Further Project Control Group (PCG) discussions and internal stakeholders providing direction for building design
- 16 September 2021 (external stakeholders)
 - Meeting with external stakeholders to provide a review of the draft design concept. Meeting was held online due to Covid 19 restrictions.
- 30 September 2021 – Councillor Briefing
 - Councillor briefing to determine way forward for options and exhibition
 - Councillors determined staff should go out to public exhibition for the 2 façade options and provide a report to determine way forward for refurbishment of the Bomaderry Basketball Stadium and integration with the SISC.

Further details of the stakeholder engagement, including Project Control Group responses can be viewed in [Attachment 2 \(Councillors Information Folder\)](#).

Design Options 1 and 2 – Initial Project Scope

CL22.198

The internal and external engagement informed the 2 initial Design Options for the refurbishment of the Bomaderry Basketball Stadium. The 2 options provide different external facades. However, the internal configurations are the same. These 2 options covered the needs of the user groups and Asset Custodians, which were presented to Councillors at a briefing in September 2021.

During the briefing, comments made by Councillors for Design Options 1 and 2 were incorporated in further design iterations, which were subsequently placed on exhibition. An overview of Design Options 1 and 2 are summarised below.

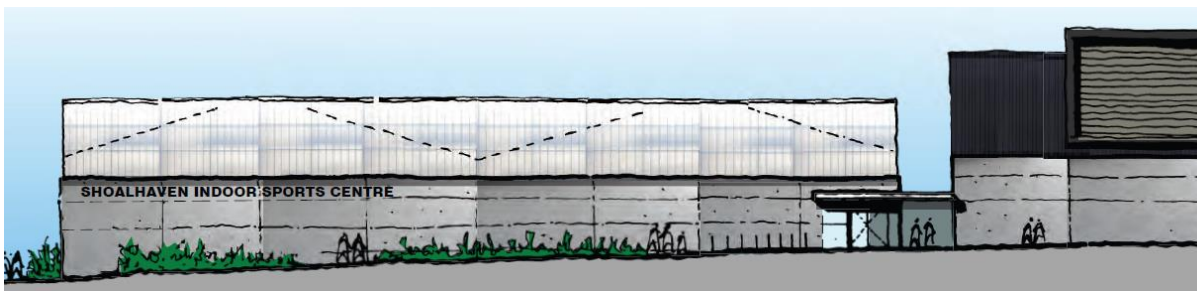
Design Option 1 - Sawcut roof façade

Retains the existing building character by retaining a sawcut roof form. The design unifies the building characteristics of the 2 buildings, with the consistent use of building materials, colours, and building scales. This design utilises the existing building footprint.



Design Option 2 - Straight form façade

Façade developed around the exterior that is translucent and mirrors the straight form of the new building. The design unifies the building characteristics of the 2 buildings, with the consistent use of building materials, colours, and building scales. This design utilises the existing building footprint.



Further plans and details of Design Options 1 and 2 can be viewed in [Attachment 3](#).

Public Exhibition

Design Options 1 and 2 were placed on public exhibition between 20 October and 20 November 2021. The consultation was extensively advertised throughout the community, organisations, and via the engaged stakeholders. A further letter box notice was sent to surrounding residents.

At the conclusion of the exhibition period, there were 229 views of the exhibition page, however no responses were received.

Although no formal feedback was received on the Design Options, verbal feedback from some stakeholders, Asset Custodian and Councillors via the briefing indicated a preference to Design Option 1, due to the façade paying respect to the history of the building, and the reduced cost for construction.

Upon closure of the exhibition period, requests via representations were made by the Shoalhaven Basketball Association to include 2 changerooms and extra storage in the refurbishment of the Bomaderry Basketball Stadium.

Design Options 3 and 4 – Additional Project Scope

Council staff subsequently met with Shoalhaven Basketball Association to discuss this request for 2 changerooms and extra storage in the refurbishment of the Bomaderry Basketball Stadium and how it fits in the project scope.

As a result of discussions, a request for quote was sought and a further 2 design options sought from CM+ through a variation to provide an option with an increased footprint on the northern side of the building to include 2 changerooms and additional storage.

CM+ have provided the additional Design Options 3 and 4, which results in the extension of the front of the building. These Design Options will have impacts on keeping the project within budget, as initial cost estimates have indicated that there will be an additional cost associated with these designs to extend the building. Should Council determine to progress either Design Option 3 or 4 additional budget funding would be required, this has been foreshadowed in the draft budget and out years. An overview of Design Options 3 and 4 are summarised below.

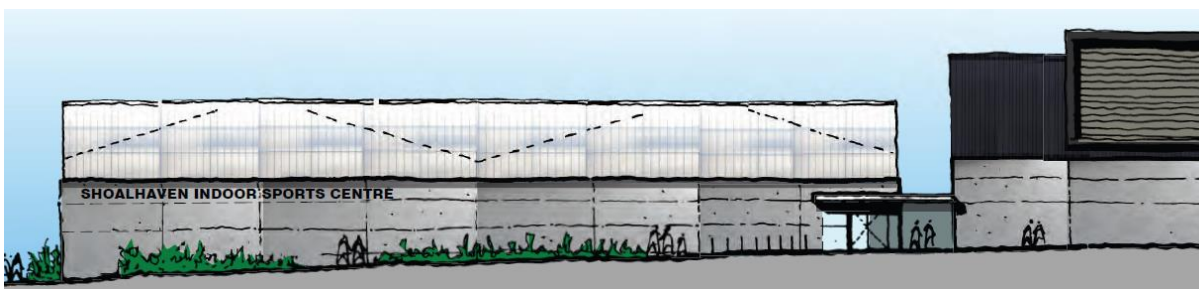
Design Option 3 - Sawcut roof façade with extended footprint

Retains the existing building character by retaining a sawcut roof form. The design unifies the building characteristics of the 2 buildings, with the consistent use of building materials, colours, and building scales. The design includes revised internal configuration of 2 changerooms and additional storage. This option requires extension of the building.



Design Option 4 - Straight form façade with extended footprint

Façade developed around the exterior that is translucent and mirrors the straight form of the new building. The design unifies the building characteristics of the 2 buildings, with the consistent use of building materials, colours, and building scales. The design includes revised internal configuration of 2 changerooms and additional storage. This option requires extension of the building.



Further plans and details of Design Options 3 and 4 can be viewed in [Attachment 4](#).

It is proposed that Council consider progressing with Design Option 3 which extends the building footprint and fulfils the requirements identified and requested by the Shoalhaven

Basketball Association. It integrates with the Shoalhaven Indoor Sports Centre and the Sawcut roof façade reflects the history of the building.

Financial Implications

Council's current budget allocation for this project is based on the Functional Review Report in 2020. CM+ have designed Option 1 to the prescribed budget exclusive of:

- 5.5% Escalation from December 2019 to September 2021
- 5% contingency
- 10% construction contingency

After incorporating the above factors, a cost estimate was prepared for the Design Options 1 and 2, which can be viewed in [Attachment 5](#) (Councillors Information Folder). A cost estimate for the building extension as per Design Options 3 and 4 can be viewed in [Attachment 6](#) (Councillors Information Folder). The cost estimates include an allocation of 5% for project management.

The draft budget for this project has been identified in Council's Delivery Program and Operational Plan (DPOP). This will allow for delivery of the project in stages:

- 2022/23 – Detail Design, submission of a Development Application and issuing Construction Certification
- 2023/24 & 2024/25 – Construction and Fit Out

The completion of detailed design will enable a further QS to be obtained based on final design. The cost to construct and deliver will be determined through a public request for tender process with the market submitting a fee proposal. This will be presented to Council at the appropriate time.

The consideration of funding by Council through budget process for inclusion in the long-term financial plan will enable adequate funds to be provided. Additional funding options may include undertaking a low-cost loan, or recoupment of section 7.11 funds. Staff will continue to advocate and seek grant funding opportunities to assist in the delivery of this project progresses towards construction ready / shovel ready status.

Further Financial Implications can be viewed in [Attachment 7](#) (Councillor Information Folder)

Risk Implications

All Design Options provide Council, stakeholders, and the community with a satisfactory refurbishment of the Bomaderry Basketball Stadium and integration with the Shoalhaven Indoor Sports Centre. The designs provide façade options that reflect the history of the building and will facilitate overflow from the main SISC building and to provide additional storage space.

Next Steps

Upon Council's resolution of the preferred Design Option, Council will progress to detailed design, development approval, and construction certification.

Once detailed design is completed, and the development application lodged the project will be 'shovel ready' and eligible for grant funding applications to be submitted to secure funding towards the project.

**Summary of Pre-Design Survey
Shoalhaven Indoor Sports Centre
July 2021 – 52005e/2**

Overview

A Community Survey was made available from 28 July to 30 August 2021, hosted on Council's Get Involved webpage platform. During this time, a total of 252 survey responses were received from members of the general public.

A large percentage of respondents (35%) were between the ages of 35 and 49 years of age, followed by 17.5% being between 12 and 17 years of age.

Of the Shoalhaven's 49 towns and villages, responses were received from 32, while 48 respondents resided in other NSW local government areas and the remaining 2 respondents residents of ACT.

Just over 71% of respondents had utilised both the existing Shoalhaven Indoor Sports Centre, and the original Basketball Stadium, while 23% of respondents had not utilised either facility.

65% of respondents who suggested uses they considered to be most suitable for the stadium's use identified basketball and associated activities to be a priority, and more often than not, the only use for the stadium.

Survey Responses

Question - What is your age group?

Age group	Number of responses	Percent
Less than 12 years old	1	0.40%
12 – 17 years	44	17.46%
18 – 24 years	33	13.10%
25 – 34 years	32	12.70%
35 – 49 years	88	34.92%
50 - 59 years	33	13.10%
60 – 69 years	15	5.95%
70 – 84 years	5	1.98%
85+ years	1	0.40%

Question - What is your gender?

Gender	Number of responses	Percent
Female	135	53.57%
Male	112	44.44%
Non-Binary	2	0.79%
Prefer Not To Say	1	0.79%
Other	2	0.40%

Question - What is your town of residence?

Town	Number of responses	Percent
Shoalhaven	202	80.16%
Other NSW	48	19.05%
ACT	2	0.79%

Responses were received from 32 of the 49 towns and villages in the Shoalhaven.

Question – Do you use the existing Shoalhaven Indoor Sports Centre?

Answer	Number of responses	Percent
Yes	208	82.54%
No	44	17.46%

Question – How do you use the Sports Centre?

Answer	Number of responses
Do not use the Sports Centre	44
Basketball (or variation of)	164
Coach (or variation of)	7
Coffee (or variation of)	2
Competition (or variation of)	10
Dance	3
Events	3
Futsal	7
Holiday Camp	2
Soccer	1
Meetings	1
Netball	4
Performing Arts	1
School Sports	12
Spectator	2
Theatre	1
Volleyball	16
Work	2

Note:

- Search /count function picks up variations of the key word in the answer column – this means this answer could occur in multiple cells with a variety of combinations, inclusive of other activities.
- Main activities / answers were included as search functions – outliers were not counted and may be individually addressed / outlined.
- Percentage is generic and should be referred back to previous Yes / No usage question due to the subjective search / count of this column.

Question – Why don't you use the Sports Centre?

Key Theme	Number of responses	Percentage
Use the Sports Centre	208	
Moved away from area or do not live in close proximity	7	15.91%
Injury	2	4.55%
Do not play / no longer play sports (including Basketball)	12	27.27%
Choice of sports at the Sports Centre do not cater for their use	6	13.64%
No need to use or do not see a purpose for using the Sports Centre	4	9.09%
Have not used, or visited but plan to	3	6.82%
Other	10	22.73%

Note:

- Long responses were analysed and key themes were identified, of which the responses were allocated and grouped.

Question – Did you use the Original Basketball Stadium?

Answer	Number of responses	Percent
Yes	214	84.93%
No	38	15.07%

Question – For what purpose did you use it?

Key Purpose	Number of responses
Did not use the Original Basketball Stadium	38
Basketball (or variation of)	187
Coach (or variation of)	13
Competition (or variation of)	1
Dance	1
Events	6
School Sports	1
Volleyball	11
Work	1

Note:

- Search /count function picks up variations of the key word in the answer column – this means this answer could occur in multiple cells with a variety of combinations, inclusive of other activities.
- Search terms were the same as “existing uses” question for consistency. Answers which were not identified / detected were removed.

- Main activities / answers were included as search functions – outliers were not counted and may be individually addressed / outlined.

Question - Are there any specific purposes you think would be suitable for the stadium's use?

Key Purpose	Number of responses	Percent
Basketball	158	65.29%
Volleyball	6	2.48%
Roller Skating or Ice Skating	4	1.65%
Drama, Theatre and/or Performing Arts	5	2.07%
Rock Climbing and/or Bouldering	2	0.83%
General Multi-Sports/Multi-Use	46	19.01%
Other Included, but are not limited to: <ul style="list-style-type: none"> • Gymnasium • Hockey • Indoor Soccer • Youth Centre 	11	4.13%

Note:

- Each response was read and key suggestions or specific sports counted
- With basketball, responses with only 'basketball' or noted specific use of 'courts' with basketball allusions to basketball were counted
- With volleyball, responses with only 'volleyball' and noted specific use were counted
- With multi-sports/multi-use, responses which had multiple activities or sports listed, or referenced multiple purposes were counted

Question – Please provide any additional comments you may have.

101 survey respondents had no additional comments.

Key Issue	Number of responses	Percentage
SISC has historical, associative and/or social values and/or original structures should remain	29	19.33%
Basketball should be prioritised and/or only use	30	20.00%

More courts needed (basketball specific and general comments)	21	14.00%
Request the SISC be multi-use	10	6.67%
Concerns with existing uses, operation and availability of courts	14	9.33%
General support of SISC redesign	7	4.67%
Suggestions to retain existing structures, refurbishment or design amendments	11	7.33%
General Comments / Other Included, but not limited to: <ul style="list-style-type: none"> • Fee costs • Sharing the survey • Pump track • Community maintenance • Your mom 	28	18.67%

Note:

- Long responses were analysed, and key themes were identified, of which the responses were allocated and grouped.

CL22.199 West Nowra Infrastructure and Recreational Facilities Upgrade Program - Investigations and Way Forward

HPERM Ref: D22/74387

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Community Infrastructure Strategic Plan 2017 (under separate cover) [↗](#)
2. Map - West Nowra Community Infrastructure and Recreational Facilities - Opportunities for Embellishments [↗](#)

Reason for Report

This purpose of this report is to update Council on the progress of investigations and funding in the West Nowra area in relation to upgrades to infrastructure and recreational facilities following the Notice of Motion which was submitted to the January Ordinary Meeting of Council, the adoption of MIN22.42, and to seek direction on a way forward.

Recommendation

That Council:

1. Accept this report as an update on funding options to investigate the provision of community facilities available in West Nowra.
2. Note that further investigation into infrastructure and recreational facilities in the West Nowra area under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council. This is to include investigations into upgrades of the Depot Farm Picnic Area.
3. Note that staff are continuing to investigate opportunities for minor embellishments to existing infrastructure and open space to improve facilities for West Nowra residents and visitors.

Options

1. Adopt the above recommendation.

Implications: This provides Council with an update on the progress of investigations and funding in relation to upgrades to infrastructure and recreational facilities in the West Nowra area, in accordance with MIN22.42.

It will also allow for the progression of reviewing infrastructure and recreational facilities in West Nowra area as part of the forthcoming review of the Community Infrastructure Strategic Plan.

2. Adopt an alternative recommendation.

Implications: Pending the significance of the alteration, this may result in delays to the progression of this project and not be in accordance with previous Council resolutions.

CL22.199

Background

At Council's Ordinary Meeting on 25 January 2022, a Notice of Motion was reported to Council in relation to infrastructure and recreational facilities upgrades in the West Nowra area.

As a result of the report, Council resolved (MIN22.42):

That Shoalhaven City Council:

1. *Prioritise as a matter of urgency an upgrade to infrastructure and recreational facilities for West Nowra;*
2. *Provide Councillors with a report detailing allocated funding in the current and future budgets of Council which addresses the lack of facilities available to residents and visitors to West Nowra that currently pose a severe risk to safety and restrictions to quality of lifestyle;*
3. *Acknowledge the need for community improvements to provide West Nowra residents and visitors with facilities available in many other villages in the Shoalhaven, including but not be limited to:*
 - a. *To immediately undertake the construction of footpaths along Yalwal Road to allow vulnerable and elderly motor scooters users safe passage into Nowra CBD rather than the current situation of navigating Yalwal Road near heavy vehicles. To also allow safe passage for parents and guardians with infants in prams through the village and to access childcare locations.*
 - b. *To investigate the upgrade of the Depot Farm Picnic area to provide picnic facilities as the name suggests and offer more suitable parking access. To provide a recreational area of a standard more suitable to the area adjacent to one of the Shoalhaven's most popular and well-known scenic walks - Bens Walk.*
4. *A Councillor briefing on this matter be held as soon as is possible.*

This report provides an update to Council on the progress of investigations to date, identifies potential embellishment improvements to enhance open space, and details the process to ensure the need for recreational facilities / embellishment in the West Nowra area are considered in the future along with appropriate levels of funding.

Part 1 - Infrastructure and Recreational Facilities Investigations

Prioritise as a matter of urgency an upgrade to infrastructure and recreational facilities for West Nowra;

Council's Community Infrastructure Strategic Plan 2017 (CISP) is the overarching strategic document to guide Council's Social and Infrastructure Planning Team.

The Shoalhaven LGA has been divided into five planning areas within the CISP, consistent with other relevant planning studies, for which Nowra (inclusive of West Nowra) is located within Planning Area One. The CISP is provided as [Attachment 1](#).

Consultation, along with detailed open space analysis, was undertaken as part of the development of the CISP. An excerpt of the CISP's Community Infrastructure Current Supply Analysis (summary) is provided in

Table 1 which identifies Planning Area One as having a general surplus of open space now and into the future.

Table 1 Planning Area One – Open Space current supply, demand and gap analysis (summary of Table 4 CISP)

Community Infrastructure Type – Open Space	Provision standard per population	Current supply		Quantity analysis	
		Number	Area (ha)	Current surplus (ha) (2015)	Future surplus (ha) (2036)
Sports parks	1.9ha/1,000	21	141.48	+57.80	+34.44
District	1.3ha/1,000	17	79.26	+22.00	+6.02
Regional	0.6ha/1,000	4	62.22	+35.79	+28.42
Recreation parks	1.3ha/1,000	75	127.60	+70.34	+50.13
Local	0.5ha/1,000	46	78.80	+56.78	+51.02
District	0.6ha/1,000	27	48.19	+21.79	+18.19
Regional	0.2ha/1,000	2	0.62	- 8.19	- 7.55

The current CISP identifies 4 community infrastructure or open space items in the West / South Nowra area (see Figure 1), with an additional 6 community infrastructure/open space items identified by the Social Infrastructure Planning Team through a desktop site investigation. These sites present opportunity for embellishments and upgrades.

CL22.199

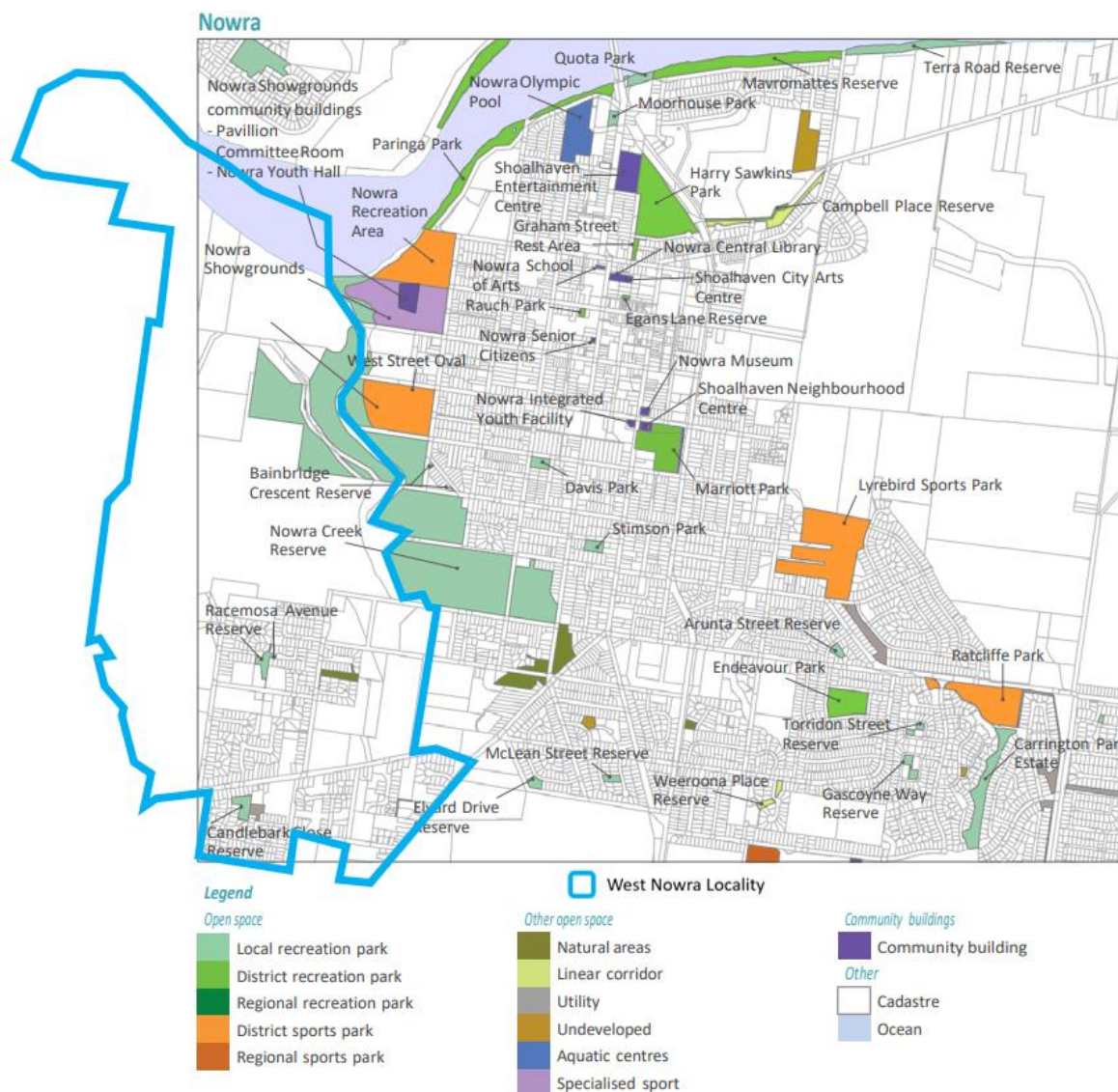


Figure 1 Excerpt of Council's CISP illustrating identified community infrastructure and open space in Nowra

It is noted that the current CISP does not capture the entirety of the West Nowra locality, which is depicted in Figure 1. This will be addressed as part of the review of the CISP.

Desktop research identifies a total of 10 community infrastructure/open spaces in the West Nowra area, listed below and illustrated in Figure 2.

- North Lydon Crescent Park
- Racemosa Avenue Reserve
- Racemosa Avenue Reserve North
- Racemosa Avenue Reserve South
- Maybush Way Reserve
- Glenair Avenue Reserve
- Depot Road Reserve
- Rannoch Drive Reserve
- Reserve at Candlebark Close
- Reserve at Rouken Glen Drive

CL22.199

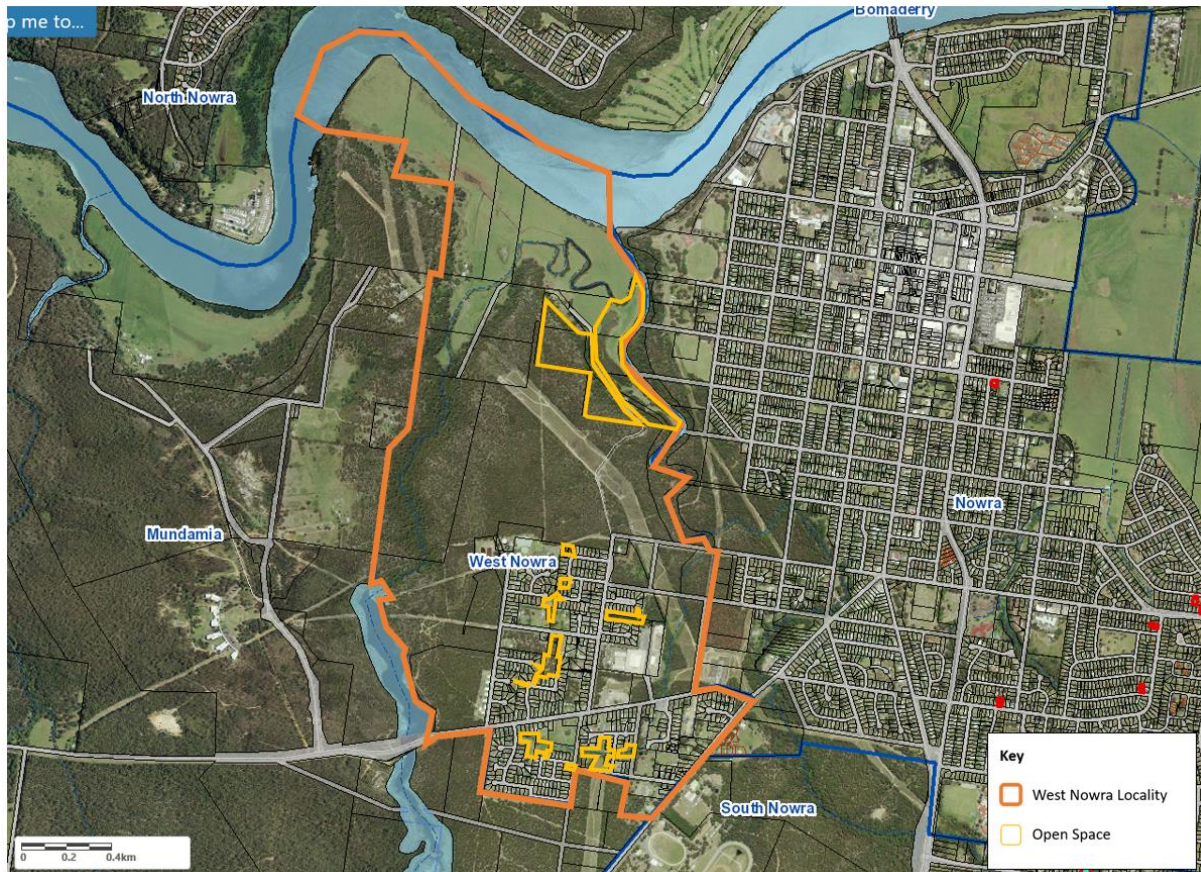


Figure 2 Open Space / Community Infrastructure in West Nowra area

The CISP has identified (as per

Table 1) that there is sufficient open space to service the residents of West Nowra located within Planning Area One, however, the infrastructure and embellishments may be lacking.

Rannoch Drive Reserve (illustrated in Figure 3) playground has been identified by Council staff as being the priority upgrade for the 2022/23 Financial Year.

In the draft budget for 2022/23 onwards, soon to be considered by Council, it is proposed to allocate funding of \$845,000 each financial year for old and outdated playground replacement. \$175,000 could be included in the 2023/24 budget to deliver a new playground at Rannoch Drive Reserve (local recreation park) after a consultation process in 2022/23.

CL22.199



Figure 3 Rannoch Drive Reserve

CL22.199

Part 2 - Review of the Community Infrastructure Strategic Plan (CISP)

Provide Councillors with a report detailing allocated funding in the current and future budgets of Council which addresses the lack of facilities available to residents and visitors to West Nowra that currently pose a severe risk to safety and restrictions to quality of lifestyle;

Council Staff are currently undertaking a review of the CISP, which will involve the strategic review of all recreational and park land within the City of Shoalhaven.

The infrastructure and recreational facilities program for the West Nowra area will be investigated under the review of the CISP, which will ensure the program is strategically planned to connect to surrounding localities. Opportunities have been identified for a connected open space network throughout Council owned community land.

The current community use and future needs for these open spaces will be further investigated during community consultation for the CISP review, which can be incorporated in the strategic development of an integrated infrastructure program.

The outcome of these investigations is anticipated to form the basis of the reviewed CISP with identified actions and estimated required budget to deliver the actions for the whole of the Shoalhaven, including West Nowra.

Currently Council's budget is allocated on a project / program basis rather than by locality.

Council's playgrounds are regularly inspected by the Playground Maintainer. This process identifies and addresses risks and enables replacement parts to be sought to ensure the equipment is safe to use, fit for purpose and well maintained. Feedback is also provided through this process to assist with prioritising the playground replacement program.

Part 3a - Pedestrian Access and Mobility Plan

Acknowledge the need for community improvements to provide West Nowra residents and visitors with facilities available in many other villages in the Shoalhaven, including but not be limited to:

- a. *To immediately undertake the construction of footpaths along Yalwal Road to allow vulnerable and elderly motor scooters users safe passage into Nowra CBD rather than the current situation of navigating Yalwal Road near heavy vehicles. To also allow safe passage for parents and guardians with infants in prams through the village and to access childcare locations.*

Council has a Pedestrian Access and Mobility Plan (PAMP) which sets out a strategic ranking methodology, and supporting mapping to plan the expansion of paths, pedestrian crossings and bicycle infrastructure across the Shoalhaven. The purpose of the Plan is to:

- *Identify priorities for pedestrians and cyclists*
- *Continuously improve the network of footpaths, shared user paths, and pedestrian crossings across the City*
- *Assist Council in prioritising works*
- *Demonstrate an integrated approach to “active transport” planning across the City*
- *Assist Council and the community to obtain grant funding for priority improvements*

Yalwal Road provides key east-west access to the Nowra CBD from the localities of Bamarang, Longreach, Mundamia and West Nowra. At present, Yalwal Road largely lacks connecting formalised footpaths.

Under the PAMP (excerpt for West Nowra locality provided at Figure 4) a footpath, and shared user path (SUP) are proposed along Yalwal Road through West Nowra.

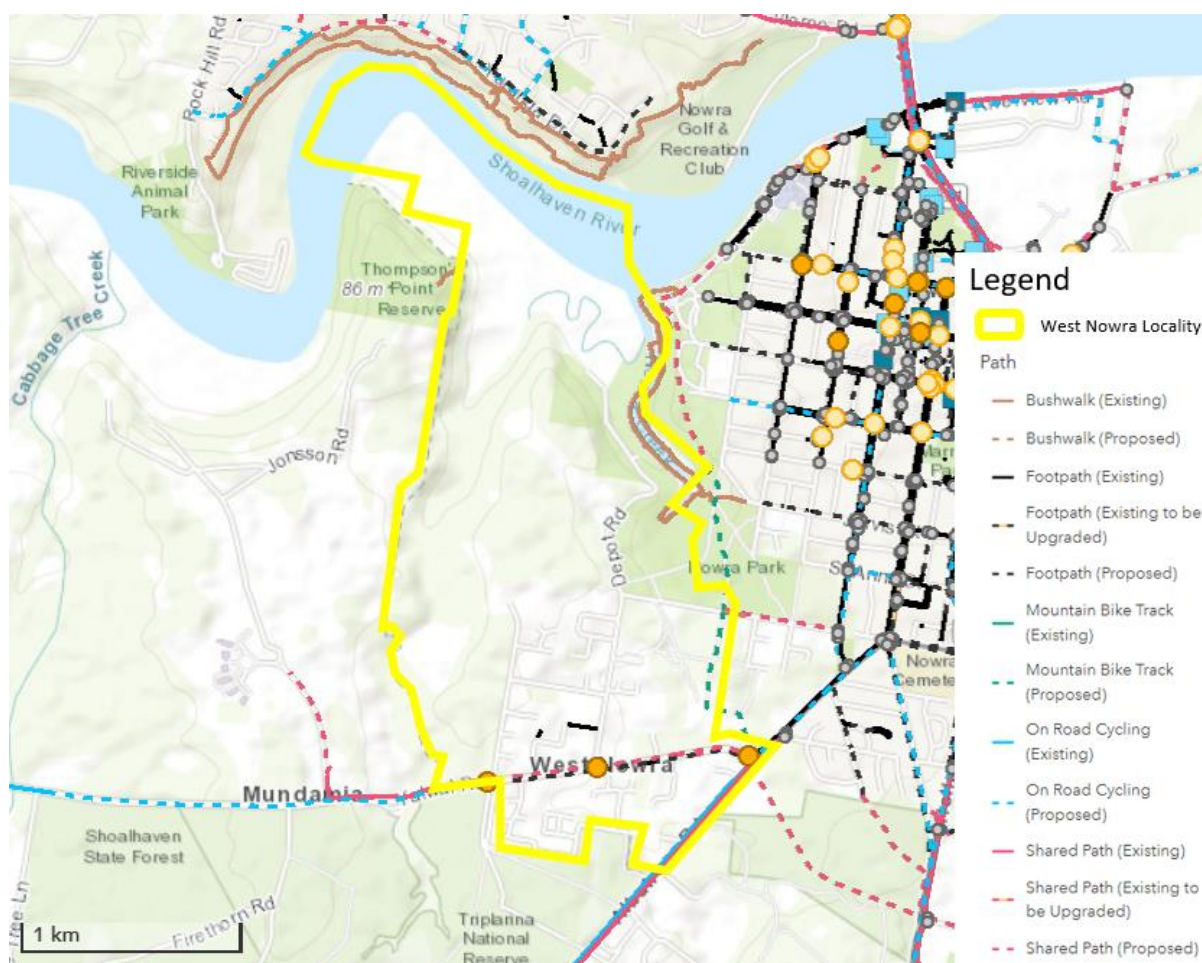


Figure 4 West Nowra Locality (excerpt from Council's PAMP)

The Concept Design for the proposed SUP from Albatross Rd along Yalwal Rd to George Evans Road has recently been completed. However, (as discussed at a Councillor Briefing on 3 February 2022) it has since been identified that further road upgrades are required along Yalwal Road to allow for safe and suitable access that provides for the current and future projected population increase for the locality of West Nowra and surrounds.

It is anticipated the proposed SUP along Yalwal Road will progress to Detail Design in the 2022/2023 Financial Year and a budget of \$100,000 has been proposed for this work in the draft budget papers. This budget will also look at the concept of then extending this path to connect into the Nowra network.

Part 3b - Depot Farm Reserve

- b. To investigate the upgrade of the Depot Farm Picnic area to provide picnic facilities as the name suggests and offer more suitable parking access. To provide a recreational area of a standard more suitable to the area adjacent to one of the Shoalhaven's most popular and well-known scenic walks - Bens Walk.

Depot Farm Reserve is identified under the current CISP as a "Local Recreation Park", with no future works proposed, on this basis no funding provision has been sought for any improvements or upgrades.

The CISP defines a "Local Recreation Park" as follows:

CL22.199

“Local passive recreation open space (parks) provide a range of recreation opportunities for local residents. These parks contain limited infrastructure, yet offer local community benefits.

Local passive recreation parks are intended to offer residents a complementary open space to their backyards. They are likely to attract users from a small catchment area (about 400m radius) and generally cater for short visits by small groups.”

The review of Council's CISP will provide opportunity for reassessment and re-evaluation for Depot Farm Reserve in a strategic way, ensuring an integrated approach with surrounding localities and infrastructure such as Ben's Walk.

This investigation will involve potential provision of picnic facilities and assessment of suitability for more parking access. The review process will include extensive community consultation and stakeholder engagement to gauge support for the proposed upgrades.

Part 4 - Councillor Briefing

A Councillor briefing on this matter be held as soon as is possible.

It is noted that a Councillor Briefing has been requested on investigations and funding in the West Nowra area in relation to upgrades to infrastructure and recreational facilities. A briefing and presentation will be scheduled in accordance with Council's processes and prioritised with other business of Council for which a briefing has been sought to ensure this matter is discussed further with Councillors.

Embellishment Opportunities

Council staff have conducted an initial desktop review of possible embellishment opportunities in the West Nowra area. Opportunities have been identified in the open space network of Council owned community land.

Possible embellishment opportunities could include:

- Outdoor Exercise Equipment;
- Inclusive Playground;
- Local Skatepark;
- Modular Pump Track;
- Basketball Halfcourt;
- Outdoor BBQ and Picnic Tables;
- Nature Play;
- Shelters, seating, and shade; and
- A multi-sports cage.

The current community use and future needs for open spaces in West Nowra will require further investigation through community consultation. Upon the identification of desirable sites, the relevant investigations and approvals will be sought in order to deliver the upgraded embellishments.

An overview of the embellishment and open space opportunities in the area can be seen in [Attachment 2](#).

Worrigee, East Nowra and West Nowra Integrated Recreational Strategic Plan

A similar proposal was submitted to Council's Strategy & Assets Committee meeting of 9 March 2021, in which a Mayoral Minute was reported to Council regarding an Integrated Recreational Plan for Worrigee, South Nowra, and East Nowra. As a result, Council resolved (MIN21.118):

That Council undertakes a strategic review of all recreational and park land that has been set aside in the areas of Worrigeer, East Nowra, and South Nowra, with a view to creating an integrated and connected recreational strategic plan. The aim of the plan would be to deliver different recreational offerings across the three precincts and have them connected with a cycle way and way finding, encouraging residents from each of the precincts to seek a new adventure in each of these areas.

A Report was presented to Council at its Strategy and Assets Committee meeting on 20 July 2021 in response to MIN21.88, providing an update to Council on the progress of investigations to date, and also the emerging needs of the current and predicated growth of the Worrigeer, South Nowra, and East Nowra townships and increase in population.

Upon consideration of the Report, it was resolved (MIN21.509):

That Council:

- 1. Further investigate the opportunities for a Public Private Partnership in discussion with the Shoalhaven Ex-Servicemen's Club (Worrigeer Sports) and receive a further report at the conclusion of these discussions;*
- 2. Further investigate the need for a community centre / facility for the Worrigeer, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan and continue discussions with Schools Infrastructure NSW regarding access to Department of Education premises;*
- 3. Include the creation of an integrated and connected recreational plan for the Worrigeer, South Nowra, and East Nowra areas under the review of the Community Infrastructure Strategic Plan, currently being undertaken by Council.**

It is proposed that any opportunities for West Nowra be considered under the review of the CISP along with West, South and East Nowra and Worrigeer. This will allow for a holistic approach to planning across this part of the City with an integrated and connected recreational strategic plan.

This would be consistent with the adopted approach for the localities noted above to address the provision of facilities. The need for community improvements in the West Nowra locality under the CISP review would ensure further investigations will extend and connect to the wider Shoalhaven.

Community Engagement

It is proposed that community engagement for infrastructure and the recreational facilities program would occur as part of the review of the CISP, with targeted consultation to occur in West Nowra area. This will ensure a thorough community engagement and consultation process is undertaken with a range of stakeholders, community groups and residents.

Community engagement is anticipated to be an opportunity to identify community improvements and provide embellishments to existing infrastructure to create an area that offers appealing places to gather, socialise, exercise and relax.

Policy Implications

Council's CISP was developed and endorsed by Council in 2016 to provide a strategic framework to guide the direction, actions, and priorities for the provision of community infrastructure in the present and for the next 20 years, with reviews every 5 years to ensure relevancy.

The CISP identifies that the Shoalhaven LGA is well provided for with community facilities overall, however when considered in the context of local communities, the quality of

CL22.199

embellishments in the West Nowra locality are lacking variety, and multiuse and ageing options.

Upon review of the CISP, it will be ensured that West Nowra is better represented, and all open spaces are identified, with recommendations provided for future vision and needs.

Financial Implications

The investigations of recreational facilities in West Nowra to date are ‘desktop’ based, along with preliminary site visits and have been funded through the Community Planning and Projects Department operational budget.

Council does not currently have an identified budget to design, upgrade or create recreational facilities, or provide upgraded embellishments to open space that are located in the West Nowra Area. It is proposed that this is included in the scope of works to be undertaken with the review of the CISP to ensure a strategic approach and alignment with other social infrastructure planning across the City.

Subject to confirmation of the draft budget and allocation of funding for the CISP review, investigation, and planning of recreational facilities in West Nowra will be included in this project along with other areas of the Shoalhaven.

In the draft budget for 2022/23 onwards, soon to be considered by Council, it is proposed to allocate funding of \$845,000 each financial year for old and outdated playground replacement. \$175,000 could be included in the 2023/24 budget to deliver a new playground at Rannoch Drive Reserve (local recreation park) after a consultation process in 2022/23.

It is anticipated the proposed SUP along Yalwal Road will progress to Detail Design in the 2022/2023 Financial Year and a budget of \$100,000 has been proposed for this work in the draft budget papers. This budget will also look at the concept of then extending this path to connect into the Nowra network.



CL22.200 South Coast Regional Arts Development Organisation - update and request to Council

HPERM Ref: D22/150592

Department: Arts & Culture

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

To inform Council of the status of the South Coast Regional Arts Development Organisation (RADO) and the request for support through nomination of a Board Member, financial contribution and in-kind support.

Recommendation

That Council:

1. Support the continued development and establishment of the South Coast Regional Arts Development Organisation;
2. Nominate a Councillor [*Councillor name to be inserted at meeting*] to represent Shoalhaven City Council on the Board of the South Coast Regional Arts Development Organisation with an appropriate staff member as support person and proxy;
3. Allocate \$38,825 from the general funds in the 2022/23 FY budget as Council's financial contribution and recurrent funding + 3.5% increase year on year thereafter.
4. Approve under delegation that the Chief Executive Officer (Director City Lifestyles) enter into a Memorandum of Understanding (MOU) with South Coast Regional Arts Development Organisation which will also detail the provision of in-kind support to be provided by Council.

Options

1. Adopt the recommendation as printed.

Implications: The South Coast RADO will continue to progress to operational status with the support from, and representation of Council.

2. Amend the Recommendation.

Implications: The RADO may not be able to operate within the Shoalhaven as well as intended, and representation on the board may be impacted.

3. Reject the Recommendation.

Implications: The RADO will be reduced in its ability to represent the Shoalhaven in its activities which will have flow on impacts to arts and arts organisations within the region.

Background

In July 2021 Council received a presentation from Create NSW on the proposal to investigate the establishment of a Regional Arts Organisation (RADO) for the South Coast. A report was considered by Council in August 2021 and MIN21.596 was resolved:

CL22.200

That Council:

- 1. Provide In Principle support for the proposal by Create NSW to undertake a three (3) month investigation into the establishment of a Regional Arts Development Organisation (RADO) for the South Coast;*
- 2. Receive an update from Create NSW at the conclusion of the investigations;*
- 3. Consider support for a RADO and the likely financial implications as part of the 2022/23 Delivery Program and Operations Plan and Budget;*
- 4. Write to The Minister for the Arts, The Hon. Don Harwin MLC to thank him for this opportunity and provide an update on Council's In Principle support for the proposal.*

In accordance with Part (2) of the resolution Council invited Create NSW to provide an update to Council via a Councillor Briefing on 31 March 2022.

Create NSW have concluded their three-month investigation into the opportunities and community response to the proposal has been undertaken with strong support and engagement across Shellharbour, Kiama and the Shoalhaven.

Following the period of investigations Create NSW have interviewed for and appointed an establishing Board for the South Coast RADO and are now working on the establishment of the organisation, including registration as a charity, setting up financial, administration and IT systems and appointment of an Executive Director.

To fully progress the establishment phase of the RADO, Create NSW and the founding board of the South Coast RADO, are asking Council to provide firm commitment to the RADO through financial contribution and nomination of a representative to the Board.

In accordance with Part (3) of the resolution the likely financial implications have been considered as part of the 2022/23 Delivery Program and Operations Plan and Budget.

In accordance with Part (4) of the resolution a letter was sent to the then Minister for the Arts, the Hon. Don Harwin MLC on 27 August 2021.

Board Member nomination

The RADO board is made up of seven (7) co-opted board members with a diverse skill set, a chair and one (1) representative from each of the three councils totalling eleven (11) board members in total. The options available to Council are to consider a nomination of either:

1. A councillor, or
2. A suitable staff member, or
3. A councillor with a supporting staff member who is also the proxy

Council has representatives on several boards with various options for representation.

- The South East Zone library collective (a subcommittee of the Public Libraries Association NSW), there is a mix of Councillors and Library Managers in attendance. The Chair is always a Councillor, with councillors attending 3 of the 4 meetings held. The Library Managers (staff) are the decision makers with input from Councillors.
- The Illawarra Academy of Sports has the Mayors of the five (5) representative Councils as Founding Members. The Mayors are able to nominate an alternate which is usually another councillor.
- South Eastern Australia Transport Strategy Inc (SEATS) has representation from Government, Councils, industry and community. The board has three (3) representatives from NSW and a Councillor from one of the local Councils is nominated as Chair. Shoalhaven City Council currently Chairs this group and has a staff member as one of the three NSW representatives.

Based on the above models, it is recommended that Council seek to nominate a Councillor as the Board Member to the RADO, with a staff member acting as support and proxy in

CL22.200

instances where the Councillor cannot attend. The constitution for the South Coast RADO provides for this form of representation by Council.

Financial contribution to the RADO

Create NSW seek financial contributions from each of the represented Councils to support the operational costs of the RADO. The financial contributions are assessed based on the population of the LGA. Both Shoalhaven City Council and Shellharbour City Council are in the population category 40,001 and above. Shoalhaven City Council is asked to provide \$38,825 for the 2022/23 FY with an anticipated 3.5% increase in the amount each Financial Year following. Shellharbour City Council will be requested to consider the same level of funding as Shoalhaven whilst Kiama Council, who fall within the population category 15,001 – 25,000, will be asked to consider funding of \$19,412 in FY2022/23.

In-Kind Support

The South Coast RADO are also asking contributing Councils to consider in-kind support, for their offices. They are ideally seeking a (commercial) premises with good accessibility that can support up to four (4) staff workstations and space for board meetings at a reduced rent.

Alternatively, they are seeking no-fee access to meetings rooms and community halls for meetings, consultation sessions and community engagement programs. Options to support this request are currently being investigated and will be incorporated into the Memorandum of Understanding (MOU) to be finalised between Shoalhaven City Council and South Coast RADO. It is proposed that the MOU be finalised and approved under delegation.

Community Engagement

Create NSW have met with 45 artists and arts organisations across the South Coast region, they have held several community information sessions and undertaken an audit of services and programs, venues and activity of the sector prior to undertaking establishment work. They will use the consultation and information gathered to inform their strategic plan and actions in the establishment phase.

Financial Implications

The South Coast RADO requires financial support from all three member Councils to be successful. The financial contribution supports administration, programming and activity by the RADO in the region.

The contribution in the 22/23 Financial Year is \$38,825 with a 3.5% increase year on year.

The financial contribution will need to be allocated from the General Fund.

CL22.200

CL22.201 Shoalhaven Arts Foundation Funding Needs and Way Forward

HPERM Ref: D22/152007

Department: Arts & Culture

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Statements of Intent - Shoalhaven Arts Foundation - reasons for establishment [↓](#)

Reason for Report

To inform Councillors of the next steps and the funding requirements to progress the establishment of a Shoalhaven Arts Foundation and the potential opportunities and benefits that can be achieved by the Foundation.

Recommendation

That Council:

1. As part of the 2022/23 budget preparations, consider funding for the establishment of the Shoalhaven Arts Foundation for three years. Funding amounts to be:
 - a. \$150,000 in the 2022/23 Financial year
 - b. \$150,000 in the 2023/24 Financial year
 - c. \$100,000 in the 2024/25 Financial year
2. Subject to confirmation of a three-year funding commitment, progress the formal establishment of the Shoalhaven Arts Foundation as a legal entity.

Options

1. Accept the recommendation as written.

Implications: The Shoalhaven Arts Foundation will have certainty of funding for the first three years allowing the Foundation time to establish itself and secure donations to support and sustain ongoing operational expenses.

2. Amend the recommendation.

Implications: The Foundation may not be able to be established to full operational capacity and the ability of the Foundation to meet self-funding targets may be compromised.

3. Reject the recommendation.

Implications: The Shoalhaven Arts Foundation will not be able to progress through the formalisation of the constitution and establishment as intended.

CL22.201

Background

This report is brought to Council for consideration following a Briefing to update Councillors on the status of a Shoalhaven Arts Foundation and the next steps should Council determine its establishment. It also presents to Council the 'seed' funding required to progress this.

The proposal to establish a Shoalhaven Arts Foundation has been worked on since 2008 and has been an action in the Arts Board Terms of Reference and Strategic Plans since 2015. There has been considerable progress made on the idea, with a working party established in 2018 to draft up a constitution and consider the reasons for and value of an Arts Foundation.

The working party reviewed similar foundations in New South Wales and Queensland and outlined a series of statements and reasons for an arts foundation, which are attached. These working statements helped to form the basis of the draft constitution.

The working party are unable to progress the establishment of the Foundation any further as legal advice is needed to formalise the constitution and prepare the necessary applications for charitable status.

Support for the foundation establishment was gained through Council in 2020 with MIN20.223 noting

1. *Formally endorse the establishment of a Shoalhaven Arts Foundation to support the development and promotion of all arts in the city with the following funding:*
2. *Seed funding of \$150,000pa for the 2020/21 and 2021/22 Financial Years*
3. *Seed funding of \$100,000 for the 2022/23 Financial Year - Following which, it is anticipated that the foundation will be fully self-funded*
4. *Provide in-kind, support for the Shoalhaven Arts Foundation, through the provision of office space at a suitable Council owned and managed asset.*

This minute remains unfunded due to other funding priorities.

Opportunities and Benefits

A Shoalhaven Arts Foundation will serve as a single organisation working to receive and disburse charitable donations to support the further growth and development of Arts and Culture in the Shoalhaven.

The Foundation would not prevent individual arts organisations, artists or community groups from undertaking their own fundraising, but recognises that finding and growing donors is a significant undertaking and requires skill sets not often found in volunteer organisations.

In acting as a central portal, the Foundation would be able to receive significant gifts – including those for a stipulated purpose – and disburse them through funding programs, grant programs or as stipulated in the deed of gift. The Foundation could also act as a programming body – commissioning and delivering arts activities where there was a gap in the sector or a community need.

A review of similar foundations nationally and internationally, shows that having a single body with the sole purpose of fundraising significantly increases donations to arts and culture in the region and supports increased revenue for all the arts in the area through the dispersal of funds gifted to the Foundation.

The Shoalhaven is experiencing significant population growth and needs to ensure that the Arts and Cultural sector grows in line with the expectations of new residents and increased services.

With many plans and strategies being put into place for a revitalised city and major attractions, it is important that there is opportunity for artists, arts organisations and community groups to contribute to that growth and development. Increased funding is

CL22.201

needed for this to happen, and that funding needs to come from the private sector – donors, philanthropists and businesses.

The Arts Foundation will be able to help ensure that there is an increase in funding to the sector in the Shoalhaven, and that donors, philanthropists and businesses can donate with confidence that their funding is being managed properly and providing real and meaningful contributions to the sector and region.

Significant work has been undertaken to advance this to a stage where funding is now required for:

- Legal consultation to establish the Foundation as a constituted legal entity
 - Preparation of a legal brief
 - Establishment process
- Recruitment of Staff
 - Executive Officer and Administration Support
 - Set up Foundation systems, processes, procedures and operations
- Development of a Communications Plan - outlining
 - Expression of Interest process for Founding Board Members
 - Informing the community about the foundations
 - How / When donations for the Foundation will be sought

Community Engagement

The Shoalhaven Arts Foundation has received significant support from the Arts Board who have articulated their ongoing support for its establishment. A workshop held in 2016 with community representative and Councillors showed strong support for the Foundation if it was established as an independent organisation and not part of Council.

Once funding is achieved to progress the Foundation to establishment phase, a communications strategy will be developed which will allow for community engagement including, but not limited to the appointment of founding Board Members and raising the profile of the Foundation with information about donations and opportunities to support the arts.

Policy Implications

The establishment of an Arts Foundation is in the Arts Board Terms of Reference. (POL19/45)

Section 3.2

Establish a Shoalhaven Arts Foundation:

- *To support the development and enrichment of broad arts across the Shoalhaven including visual, heritage, literature & performing arts*
- *To ensure that the Foundation in its governance, membership and charter are independent/ and at arms-length from Council yet works in concert with the Shoalhaven Arts Board, Council and the community needs*
- *To fundraise and develop a sustainable principal investment to generate ongoing grant funds*

Financial Implications

Funding to establish the Foundation would need to be allocated from the General Fund. Funding is sought for a three-year period to provide the Foundation with seed funding for its establishment. This funding would support staff costs, administrative and set up costs, and legal advice for establishment.

Year	Items	Cost	Total Cost
1	Legal Fees for establishment Administration officer (FT) Executive Officer (0.6) (not employed for full year) Administration set up	\$20,000 \$48,000 \$50,000 \$32,000 + in-kind support for office space / HR support	\$150,000 + in-kind support
2	Administration officer Executive Officer Administration costs – includes subsidized rent paid to Council	\$50,000 \$66,000 \$34,000 + in-kind support for HR support	\$150,000 + in-kind support
3	Administration Officer Executive Officer (partly funded by Council) Administration costs	\$50,000 \$50,000 Rental subsidy only	\$100,000 + subsidized rent

Alternate options for funding have been considered by staff, but no suitable sources of funding have been identified.

The Arts have a significant positive impact in Regional Australia through:

- Community Connectedness
- Economic Regeneration
- Social Inclusion
- Civic Pride
- Regional Development

For every \$1 invested in the arts there is an estimated benefit or return of \$1.88 to the NSW economy.

The Support Report 2018 by JB Were shows that NSW is responsible for 40% of all tax-deductible donations in Australia.

Go Fund Me research from 2019 shows that Rural and Regional towns give more per capita than city locations.

In 2015-16, corporate philanthropy gave \$17.5 billion, while 14.9 million Australians gave \$12.5 billion, to charities and not-for-profit organisations including arts and cultural organisations.

CL22.201

Shoalhaven Arts Foundation working statements							
Because	There is no central process to take philanthropic donations / bequests for the arts in the Shoalhaven	We	Will establish an arts foundation	That Leads To	Money coming in from donors / philanthropists	So That	The arts in the Shoalhaven can flourish
Because	There is no ready funding for community arts / artists	We	Ensure the foundation can seek, receive, invest and distribute funds	That Leads To	Funding being available	So That	The foundation can resource the arts
Because	We want to grow arts in the Shoalhaven	We	Increase the resource base through funding and opportunities	That Leads To	Artists and art organisations able to flourish short and long-term	So That	The arts enhance the liveability and well-being of the LGA
Because	We want to grow participation in the arts	We	Ensure there are opportunities across all art forms and throughout the Shoalhaven	That Leads To	Increased audience diversity and engagements	So That	Audience growth and diversity sustains long-term growth of the arts
Because	We are seeking to maintain and sustain excellence over time	We	Need to plan and fund long-term	That Leads To	A secure arts environment	So That	Artists / arts organisations can be bold and exciting and produce works of national significance
Because	There is no leadership or structure to sustain donor engagement	We	Need a qualified board, a suitable constitution and appropriate resourcing (staff, consultant, IT, CRM etc)	That Leads To	A self-sustaining, active and strong board	So That	The foundation is able to achieve its objectives in perpetuity
Because	We want to support local artists and arts organisations	We	Ensure the foundation provides opportunities for creative output across the LGA and all art forms	That Leads To	Diversity, depth and breadth in arts output	So That	The arts in the Shoalhaven can flourish
Because	We want to inspire artists and the community	We	Ensure the actions of the foundation inspire and reward excellence and originality	That Leads To	A foundation cultural / strategic plan	So That	The foundation has a clear direction to build excellence
Because	The arts eco-system of the Shoalhaven needs	We	Fund innovation, collaboration and new	That Leads To	Greater creativity	So That	There is sufficient diversity to develop a

	breadth and depth (multi-arts, collaborations, commissioning new works etc)		commissions across all art- forms				creative and prosperous city
Because	We are not seen as an arts destination or a creative city	We	Provide support and a funding partner for arts / cultural projects and initiatives that drive a point of difference	That Leads To	A change of perception of the city	So That	The Shoalhaven is seen and known as a creative hub
Because	We need an independent cultural network	We	Appoint a board / subcommittees and advisory groups that are representative	That Leads To	an engaged and progressive arts leadership team	So That	We have a vibrant and contemporary arts scene

Foundation Aims

- To be a self-sustaining, engaged and progressive organisation
- To support a culture of philanthropy across the Shoalhaven for the benefit of the arts
- To encourage a diversity of art output across the region that builds excellence
- To provide funding and opportunities that support a vibrant and contemporary arts scene

Case for Support

'By providing support and opportunities to artists and arts organisations across the Shoalhaven we ensure we build excellence through a vibrant and contemporary arts scene. We want all residents and visitors to the Shoalhaven to have the opportunity to engage with a flourishing arts eco-system that supports bold and exciting works, and contributes to a healthier, happier and more prosperous city.'

CL22.202 Request for Community Consultative Body Change of Boundary - Kangaroo Valley Community Consultative Body

HPERM Ref: D22/103947

Department: Community Connections
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Kangaroo Valley CCB Application Letter 26 May 2021 [↓](#)
2. Email Chain Community Request for KVCCB Border Change 7 October 2021 [↓](#)
3. Request KVCCB Boundary Change Upper Kangaroo River 5 November 2021 [↓](#)

Reason for Report

The Kangaroo Valley Community Consultative Body (KVCCB) have requested Shoalhaven City Council to consider an update to the geographical area that it will represent, to include the suburb of Upper Kangaroo River.

Recommendation

That Council:

1. Support in principle the request from Kangaroo Valley Community Consultative Body (KVCCB) to update the boundary of the geographical area that it will represent, to include the suburb of Upper Kangaroo River.
2. Advertise the proposal for public comment.
3. In considering public comment:
 - a. if no significant adverse feedback is received, accept the changes to the Kangaroo Valley Community Consultative Body boundaries as formally recognised and staff advise the community group accordingly.
 - b. if significant feedback is received, staff will submit a report to Council for final determination of the formal Community Consultative Body boundary status.

Options

1. Shoalhaven City Council supports, in principle, the application from KVCCB to include the suburb of Upper Kangaroo River in the geographical area represented by the CCB.

Implications:

As per Section 1.7 of the *Guidelines for the Conduct of Community Consultative Bodies Policy* (POL12/296), following Council's in principle support, for consultation purposes, Council staff will then:

- a. Advertise the proposal for public comment.
- b. Consider public comment.

CL22.202

- i. if no significant adverse feedback is received, accept the Kangaroo Valley Community Consultative Body proposed new geographical boundaries as formally recognised by Council.
 - ii. if significant feedback is received, submit a report to Council for final determination
2. Shoalhaven City Council does not support in principle the application from KVCCB to include the suburb of Upper Kangaroo River in the KVCCB boundaries.

Implications:

The suburb of Upper Kangaroo River will remain an area within Shoalhaven that does not have direct CCB representation.

Background

The KVCCB was formally endorsed as a Council recognised CCB on the 6 September 2021, to represent the geographical area of Kangaroo Valley and surrounds in Shoalhaven (Application letter **Attachment 1**).

The area KVCCB initially proposed to represent included Kangaroo Valley, Barrengarry and part of Moollattoo. The area currently represented by Budgong Community Group CCB was excluded from the areas KVCCB proposed to represent.

Soon after Council endorsement of the KVCCB, the KVCCB were approached by a community representative for the suburb of Upper Kangaroo River to request inclusion in the geographic boundaries of the KVCCB (**Attachment 2**).

In response the KVCCB consulted with surrounding CCB's to determine the implications of the requested boundary change and came to an agreement, which considered the boundaries of adjoining CCB's for Budgong and Berry. Email correspondence with map showing revised boundaries is provided at **Attachment 3**.

CCB Guidelines Community Engagement

The current Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296) does not give specific advice on changes to CCB boundaries. This request for a change to the KVCCB's geographic boundary has been considered in consultation with Community Engagement and Governance to determine an appropriate process to action this request.

On advice this request is being processed as a retrospective amendment to the KVCCB application to be recognised as a CCB and processed as per Section 1.7 of the Guidelines for the Conduct of Community Consultative Bodies Policy (POL12/296). If Council provides in principle support for the application - in adherence with the Guidelines for the Conduct of Community Consultative Bodies, Council staff will then:

- a. Advertise the proposal for public comment
- b. Consult with any other organisation that is recognised as a CCB within any part of the same geographic area (not applicable with this application)
- c. Following public comment submit a report to a Council meeting for determination (if needed).
- d. Take into consideration any comments received when determining the application.
- e. Inform the applicant of Council's determination

If there is no significant adverse feedback it is intended to give effect to this request. Should significant feedback be received, staff will prepare and submit a report to Council for final determination.

Financial Implications

There are no financial implications, this work is undertaken as part of the Community Connections Officer role and the costs associated with advertising the proposed changes will be met from the Community Connections budget.

CL22.202

General Manager
Shoalhaven City Council
P.O. Box 42
Nowra NSW 2541

Attention: Sandy Sturgiss and Madelaine North – Community Engagement Team

26th May 2021

RE: Application for Kangaroo Valley Community Consultative Body

The recently formed group known as Kangaroo Valley Community Consultative Body (KVCCB) would like to formally apply to become an accredited Council Community Consultative Body.

The area to be included in the proposed KVCCB are the suburbs (localities) of Kangaroo Valley and Barrengarry. It also includes the part of Moollattoo that is not currently covered by the Budgong CCB.

The individuals involved in the precursor to KVCCB have met on three occasions: 30 March (17 Attendees), 20 April (17 Attendees) and 18 May 2021 (10 Attendees). Invitations to the community to attend these meetings were via Facebook Community Group page, Community Notices emails and the local publication “Kangaroo Valley Voice” and were enthusiastically attended (as well as strong interest shown by a number of residents who sent apologies). We have commenced a Register of both Attendees and all those so far who have also requested involvement in participating in the proposed KVCCB.

It was initially proposed to include Upper Kangaroo River; Red Rocks and some of Beaumont; as well as Broger’s Creek, and some of Woodhill and Wattamolla; however community consultation with members of the various community groups and residents has resulted in these areas stating they wish not to be included in the proposed KVCCB at this time.

A map of the proposed area to be covered by the KVCCB is shown below.

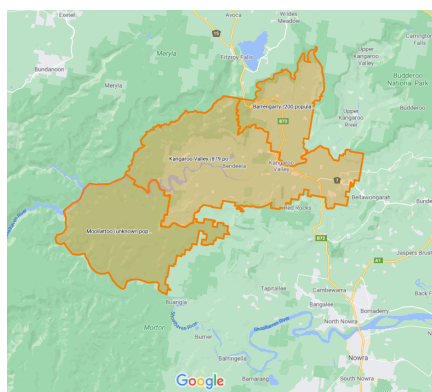


Figure 1 - Suburb Boundaries

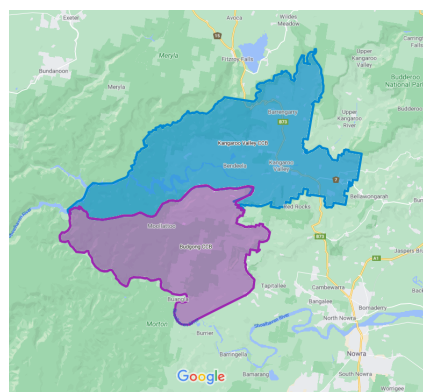


Figure 2 - CCB Boundaries

An interactive version of these maps is available in Google Maps by following the link below:

<https://www.google.com/maps/d/edit?mid=1PJLrUMra4EI988x5LoGotFkEYLL-0ZDL&usp=sharing>

The areas included are the suburbs of:

- Kangaroo Valley
- Barrengarry
- Moollattoo

The part of the Kangaroo Valley area currently covered by the Budgong Community Group CCB is specifically excluded from the Kangaroo Valley CCB so as to avoid any overlap.

The Kangaroo Valley area, as a significant Shoalhaven tourist destination, warrants a group to represent the views and feedback from residents and ratepayers to Shoalhaven City Council. The formation of this group will also facilitate communications from Council with the wider community rather than specific special-interest groups.

The choice of name for the CCB reflects its primary purpose, as we are covering the Kangaroo Valley area. We have reserved the name Kangaroo Valley Community Consultative Body Incorporated with NSW Fair Trading (reservation number 19004). This reservation will expire on 29 July 2021 if we do not proceed.

The KVCCB will respect and abide by the Shoalhaven City Council's Guidelines for the Conduct of Community Consultative Bodies (Policy Number POL12/296 as amended) by adopting those Guidelines as part of the association's structure of operation when conducting meetings and interacting with council and its representatives.

Membership of KVCCB is automatic and free to any resident, ratepayer and other persons within the Community Consultative Body geographic area such as onsite holiday van owners and business owners.

Please contact the undersigned if you require further information.

Regards,

Mrs Brenda Sambrook



From: Kangaroo Valley CCB [REDACTED]

Subject: Re: Upper Kangaroo River and KVCCB

To: Upper Kangaroo River Progress Association
Attn: Gary Moore

Thanks for your request to include the suburb of Upper Kangaroo River in the newly formed Kangaroo Valley Community Consultative Body.

We will adjust the KVCCB boundary accordingly and submit a request to Council for approval. We are unsure if this needs to be voted on by Council, so the timeline is unknown at this point.

We are also waiting to hear from the representatives of Wattamolla regarding their inclusion in the KVCCB as it would make sense to do both at the same time.

Please don't hesitate to contact us if you have further questions.

Regards,
Al Lockyer, Brenda Sambrook and Hugh Sinclair.

From: Gary Moore [REDACTED]

Date: Thursday, 7 October 2021 at 5:17 pm

To: Kangaroo Valley CCB [REDACTED]

Subject: Upper Kangaroo River and KVCCB

7 October 2021

To: Al Lockyer, Brenda Sambrook and Hugh Sinclair,

As you'll recall, Upper Kangaroo River, along with Wattamolla, opted out of the final proposal to Council for a Kangaroo Valley CCB. We understand that Wattamolla has since changed their mind and have opted back in.

Since then, initiated by concerns of some of our residents, and based on advice received from Council, the committee of the Upper Kangaroo River Progress Association has reconsidered our position and has voted unanimously to request that the suburb of Upper Kangaroo River be included in the area of the new KVCCB. Council is aware of this change, and has suggested now would be a good time to touch base with you and request that Upper Kangaroo River be included and represented in the KVCCB moving forward.

With kind regards,

Gary Moore

on behalf of the committee
Upper Kangaroo River Progress Association

[REDACTED]

FB: www.facebook.com/groups/211794212606515/

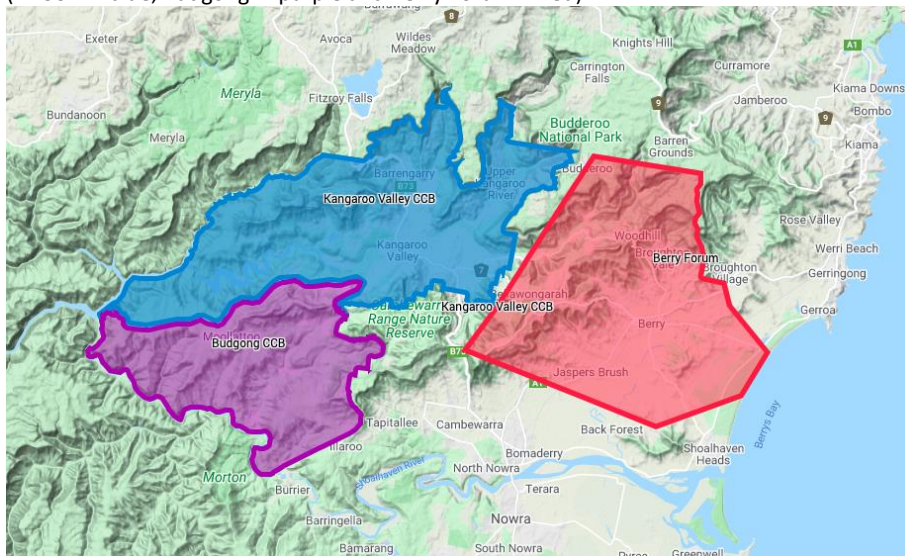
[REDACTED]

Hi Erin,

As per your email of 22 October, we realise we do not need to officially request a border change but we would like to, to include Upper Kangaroo River (as a suburb) into the Kangaroo Valley CCB.

We did also look at adding in Wattamolla but having since done some more boundary clarification with the Berry Forum, we all now realise that 90% (or more) of Wattamolla is already covered by the Berry Forum CCB.

Please find below, the new KVCCB Coverage Map, which includes Upper Kangaroo River (KVCCB in blue, Budgong in purple and Berry Forum in red):



This map is also available in interactive form via the following link:

https://www.google.com/maps/d/edit?mid=1UHjauH2C2MuLmpl9PuE09xYiqiCmz4_1&usp=sharing

If you could please acknowledge that this border change is OK by SCC, that would be appreciated.

Lastly, we are trying to organise the inaugural KVCCB meeting for mid-December 2021 to elect the committee and will advise accordingly.

Regards,
Al Lockyer, Brenda Sambrook and Hugh Sinclair.

CL22.203 Renewable Power Purchase Agreement (PPA) and Small Sites Electricity Procurement

HPERM Ref: D22/144601

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

This report details opportunities and options for Council to source renewable, secure and price competitive energy for its electricity needs, including Large Sites, Street Lighting, and Small Sites. The recommendations outlined in this report will assist Council to secure new electricity agreements and achieve key targets of Council's Sustainable Energy Policy, with the potential to achieve a 44% reduction in Council's corporate emissions (approximately 33,106 tonnes of carbon emissions) from 2024/25, while also reducing long term financial risks.

Recommendation

That:

1. Council approves the switch for its Small Sites electricity supply agreement from the NSW Government contract 776 (expiring) to the new NSW Government contract 3062 with Shell Energy Retail Pty Ltd for an initial 3-year term, commencing 1 July 2022 until 1 July 2025, and authorise the CEO to execute the contract where time constraints for acceptance of a tender may prevent the matter being reported to a Council Meeting.
2. Council selects 100% GreenPower for all Small Sites for year 2024/2025 only, under the initial 3-year retail electricity supply agreement on contract 3062 at an additional annual cost of approximately \$50,000.
3. For the renewable Power Purchase Agreement (PPA) tender proposed for Large Sites and Street Lighting, Council delegate authority to the Chief Executive Officer to award the tender (due to the potential of a limited tender validity period) and to execute the contract on behalf of Shoalhaven City Council.

Options

1. There are no viable, practical or cost-effective alternatives to securing electricity for Council's 550+ Small Sites. The new NSW Government contract 3062 has been created to enable eligible buyers such as Shoalhaven City Council to access very competitive electricity rates for a period of up to 10 years. The known pricing for the next 3 years is comparatively cheaper than the current rates for Small Sites and will therefore save Council around \$105,000 per year.

Implications: Not approving the switch to contract 3062 for Small Sites will mean that Council will not have an electricity retailer in place beyond 30 June 2022. The rejection of purchasing 100% accredited GreenPower from 2024/25 onwards would mean that Council's Small Sites are not contributing towards agreed targets of net-zero emissions by 2050 or interim emissions reduction and renewable energy targets set out in the Sustainable Energy Policy.

CL22.203

Background

The supply of electricity to Council is delivered through three (3) main agreements: Large Sites, Street Lighting, and Small Sites. The table below shows the typical total bill breakdown for Shoalhaven Council's Electricity Accounts in 2020/21. Only the energy costs (around 40% of the total bill) are negotiable (contestable) through retailer agreements, as the network (Endeavour Energy) and other charges are fixed.

Supply Type	Site Consumption	Number of Sites	FY2021 Consumption (MWh)	FY2021 Total Electricity Spend
Small Sites	<100MWh per Year	~550	5,250	\$1.20M
Large Sites	>100MWh per year	48	27,375	\$4.35M
Street lighting	Unmetered	Aggregated	4,225	\$0.78M*
TOTAL			36,750	\$6.33M

*Not including Street Light Use of System (SLUOS) charges (approx. \$1.2M)

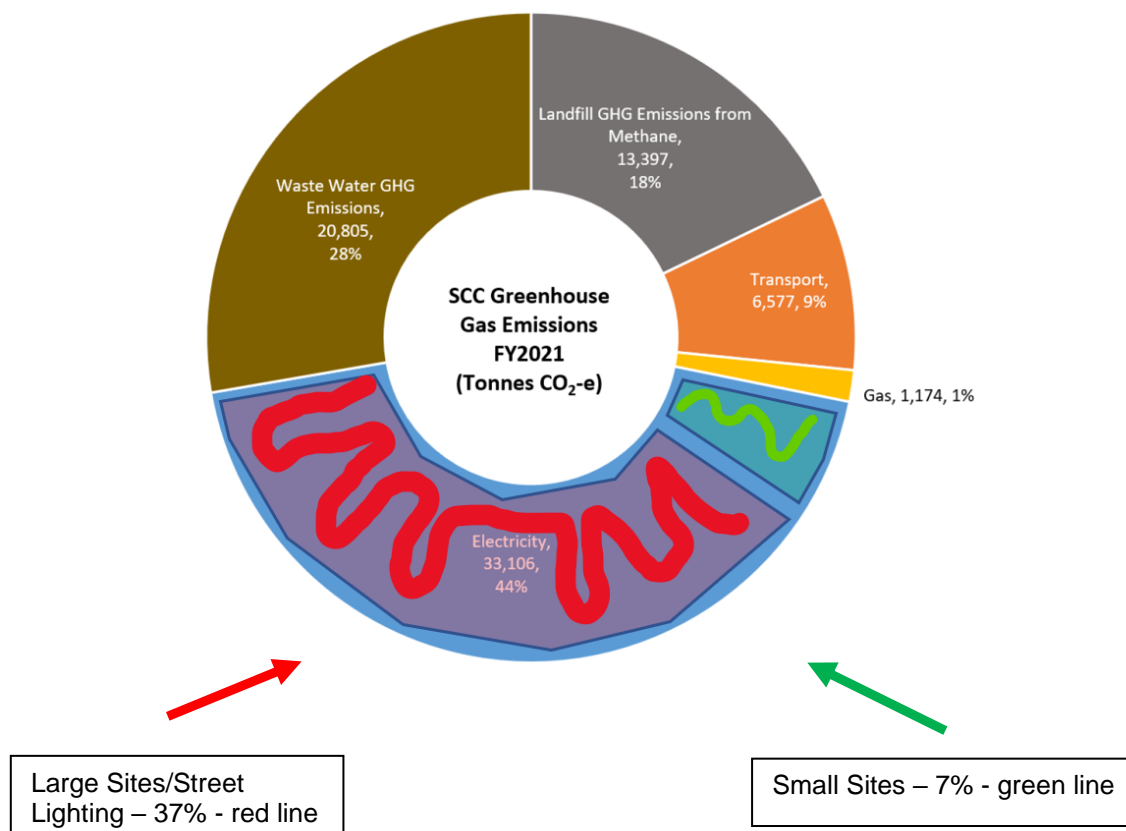
Large Sites and Street Lighting are currently purchased under a 3-year contract with NSW Local Government Procurement (LGP), which expires on 31 December 2022. Small Sites are currently captured under the NSW Government contract 776, for which local Councils are an 'eligible buyer'. The 776 Small Sites contract, however, expires earlier on 30 June 2022 and has a new contract (3062) to replace it for up to a 10-year period. With both electricity contracts expiring this year, Shoalhaven City Council has commenced work to secure access to affordable, reliable, sustainable, and modern energy for its future operations, in accordance with Council's adopted Sustainable Energy Policy.

Renewable Electricity

Purchasing renewable electricity is a cost-effective way to reduce Council's greenhouse gas emissions, achieve emissions reduction targets and ultimately work towards agreed net-zero emissions. The pie graph below shows Shoalhaven Council's corporate annual greenhouse gas emissions for 2020/21, with 33,106 tonnes of carbon emissions (or 44%) attributed to all electricity consumption (Large & Small Sites & Street Lighting, including Scope 2 and associated Scope 3 emissions).

A renewable Power Purchase Agreement (PPA) bundled with Large Generation Certificates (LGCs) enables Council to claim the carbon savings from electricity usage for Large Sites and Street Lighting. This alone would reduce Council's total emissions by around 37% from 2023 onwards and therefore easily achieve Council's adopted interim target to reduce emissions by 25% by 2025. Eventually purchasing 100% accredited Green Power for the remaining Small Sites (see further details below) would effectively achieve carbon neutral renewable electricity for all Council's operations from 2024/25 onwards.

CL22.203



CL22.203

Large Sites & Street Lighting

As an alternative to purchasing standard grid electricity (mostly from coal-fired power stations) every 3 years for Council's Large Sites (e.g. sewage/water treatment plants, SEC, Admin Buildings, Aquatic Centres, Holiday Havens, etc), a number of NSW Councils and businesses are now signing up to longer term renewable PPAs. PPAs allow organisations to achieve their corporate emissions reduction targets as the renewable electricity is typically sourced mainly from solar and wind farms. PPAs are generally offered as 7–10-year deals and therefore the pricing for a 100% renewable PPA typically works out cheaper than shorter-term standard grid power agreements. In addition, a corporate renewable PPA offers a stable price against medium and long-term electricity market price fluctuations.

In late 2021, Shoalhaven Council engaged Presync, an energy market analyst, to analyse Council's electricity demand and load profile, and provide advice on the feasibility of renewable electricity procurement (Stage 1). Presync are well positioned to conduct this modelling and analysis as they have assisted numerous NSW Councils on PPAs, including the City of Sydney and the most recent 10-year renewable PPA deal secured for a group of six Hunter region Councils in early 2022. The Stage 1 PPA market analysis completed by Presync was also done independently for both Kiama and Shellharbour Councils, which have also shown an interest in securing a renewable PPA. In summary, Presync found that for Shoalhaven City Council:

- A retail renewable PPA (with a term of 5-10 years) appears viable and could bring long-term cost stability, and:
 - Significant savings against current electricity prices for non-renewable electricity, and
 - Be near budget neutral today for 100% renewable electricity.

Moving to the next stage, Presync has supplied Shoalhaven, Kiama and Shellharbour Councils, with a combined quotation to conduct Stage 2 of the process. Stage 2 would include advisory and facilitation support by Presync to complete procurement of a retail

renewable PPA, including tender document preparation, tender evaluation support and contract negotiations for each Council. The quoted fee for Presync to conduct this work for Shoalhaven Council is considered value for money and Presync do not charge a trailing commission which some other energy market analysts do for the term of the electricity contract.

Both Kiama and Shellharbour Council have shown an interest to be part of the same combined tendering activity facilitated by Presync, to provide economies of scale for all three Councils, attract more energy retailer interest and therefore better pricing. Shoalhaven Council has the majority buying power of the 3 Councils with around 30 GWh/pa of electricity to be purchased, whilst Kiama and Shellharbour only have around 5 GWh/pa each. Roger Stephan, CEO of ISJO, was approached to facilitate this tendering opportunity but advised that ISJO need have no role in this and that Presync were well qualified to support Council in this activity. He further advised that although it may be a concurrent tendering activity, each of the three participating Councils will be calling for tenders, the tender advertisement will have three logos on them and, while Presync will be facilitating the tender processes, it won't be calling or determining them. The Councils may well group together to review outcomes, but the decision will rest with each of them individually and ultimately determined by Council resolution.

Wollongong Council has already signed a binding agreement with Procurement Australia in 2021 to be a part of their renewable PPA tender, so they will not be a part of this tendering activity.

At its meeting on 5 April 2022, Shoalhaven Council's Executive Management Team approved the following recommendations (EM22.90):

- a. That Shoalhaven Council engage Presync to conduct the next tendering stages of securing a retail renewable PPA agreement for Shoalhaven City Council's Large Sites and Street Lighting electricity supply post-2022. Note, this is a non-binding stage, however, Council must have intent to proceed as per procurement guidelines.
- b. Shoalhaven Council to extend an invite to both Kiama and Shellharbour Councils to be a part of the combined renewable PPA tendering activity.

The renewable PPA tendering process is now underway, and the resulting tender evaluation report is expected to be submitted to Council later in the year. For some tender bids involving electricity procurement, the bid pricing submitted often only has a short validity period and requires acceptance within a short time frame (sometimes days/weeks only). To ensure the best bid can be accepted, Council is being requested to give the CEO delegated authority, only if needed due to time constraints, to award the tender and execute the contract on Council's behalf. All due diligence and procurement checks will still be conducted to ensure a rigid evaluation process.

Small Sites

Shoalhaven Council has over 550 electricity accounts for its Small Sites (sites that consume <100 MWh/pa). With the current 776 NSW Government Small Sites contract agreement expiring on 30 June 2022, Council must secure a new retail electricity agreement before then.

The 776 NSW Government contract will be replaced with NSW Government contract 3062 (Retail Supply of Electricity – Large and Small Sites) for a 10-year period from 1 July 2022 to 30 June 2032, that has Shell Energy Retail Pty Ltd as its sole supplier. Buyers will have to establish new retail supply agreements with Shell Energy Retail for their Small Sites, which can be for an initial 3-year period with extensions, if desired. The new contract 3062 will deliver reliable, cost-effective electricity supply for Small Sites at cheaper rates than the current 776 contract.

CL22.203

Eligible non-agency buyers, including Shoalhaven Council, can access the Small Sites agreement, but not the Large Sites component of the contract which is mandatory for NSW Government agencies. Small Sites are not ideal for inclusion in Shoalhaven Council's renewable PPA as most of them do not have 'smart meters' installed (which are a pre-requisite) and several PPA retailers are unlikely to accept a large quantity of Small Sites. The pricing for the new 3062 contract for Small Sites is very competitive and will save Shoalhaven Council around \$105,000 per year compared to the current 776 contract (figures modelled for late 2022 period using FY2021 calendar year electricity consumption). Other benefits of moving Small Sites to the NSW Government contract 3062 include the following:

- The contract has been established for a 10-year period to secure competitive electricity pricing over a long-term for eligible buyers. Pricing, however, is only known for the first 3-year period hence Council's initial 3-year contract option;
- The administrative process to move across 550+ Small Sites accounts for Shoalhaven Council is streamlined under contract 3062 and likely to be established then for 10 years to reduce the administrative burden for Council's electricity Accounts section;
- Shell Energy Retail is offering an initial 3-year Retail Electricity Supply Agreement (RESA) with fixed rates to assist Councils with their typical contract periods. Extending beyond the 3-year contract is allowed without penalty, along with access to the same pricing as longer-term contracted customers.

Accredited 100% GreenPower Option

Contract 3062 offers very competitive pricing in the latter years for buying accredited 100% GreenPower for Council's Small Sites and this option is recommended in the final year of the initial 3-year contract (i.e. 2024/25) only. This will ensure these sites are also contributing towards achieving Council's adopted emissions reduction and renewable energy targets. The final years of the 3-year agreement offers the cheaper pricing for GreenPower at \$10.80 (year 2024) and \$8.45 (year 2025) per MWh, compared to the first 2 years when it costs \$27.95 and \$20.45 per MWh. Buying GreenPower for all Small Sites for only the final year of the agreement would cost Council an additional ~\$50,000 and further reduce Council's corporate greenhouse gas emissions by 7%. Pricing for GreenPower on contract 3062 beyond 2025 is not yet known and will need to be reviewed closer to this time as far as extending it beyond 2025.

Alternatives

There are no suitable alternative options for Council's Small Sites commencing July 2022. LGP are only offering a new Small Sites contract from 1 Jan 2023 which is 6-months too late for Shoalhaven Council's needs. Any interim arrangements with LGP for 6 months will likely be costly (short-term pricing is notoriously expensive) and a heavy administrative burden for the Accounts team to migrate 550+ accounts twice between contracts.

NSW Government are a 'prescribed body' for their contracts and Council can buy directly from them without having to go to tender. With the total cost in the order of \$2.7M for the initial 3-year contract period, Council will need to approve the switch to the new contract 3062.

Policy Implications

This electricity procurement process aims to satisfy Council's Sustainable Energy Policy targets for emissions reduction and increased use of renewable energy. It helps to achieve Council's interim corporate greenhouse gas emissions reduction targets and tracking towards achieving net-zero emissions by 2050.

CL22.203

Financial Implications

Switching all Small Sites to NSW Government contract 3062 will save Council approximately \$105,000 per year compared to the current NSW Government 776 contract rates. The purchase of accredited 100% GreenPower from 2024/25 will incur an additional \$50,000 per year, but this is considered good value to allow Council's 550+ Small Sites to claim they are powered by 100% renewables and net-zero emission energy.

Risk Implications

The NSW Government contract 3062 has been awarded to Shell Energy Retail for a 10-year period. Shoalhaven Council is an eligible buyer for Small Sites and can purchase direct from the contract as the NSW Government is a 'prescribed body' for procurement purposes. The contract offers minimal risk and flexibility for Council's procurement of electricity for its Small Sites as sites can be rolled in/out as required throughout the contract period.

CL22.204 Payment of Dividend from Shoalhaven Water 2020-21

HPERM Ref: D22/148244

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. Water and Sewer Audit Report 2020-2021 [↓](#)

Reason for Report

The adoption of this report will enable Council's General Fund to receive a dividend from its Water and Sewer Funds' operating surplus. The dividend, which was declared in 2020-21 financial year will be paid in 2021-22 in accordance with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines. The calculated dividend from the surplus for the Water Fund is \$264,500, and the Sewer Fund is \$1,394,739.

Recommendation

That Council

1. Determines substantial compliance with the *Best Practice Management of Water Supply and Sewerage Guidelines* has been achieved and the dividend will be paid from the Sewer Fund as declared in 2020-21.
2. Determines substantial compliance with the *Best Practice Management of Water Supply and Sewerage Guidelines* has been achieved and the dividend will be paid from the Water Fund as declared in 2020-21.

Options

1. Adopt the Recommendation.

Implications: The dividends declared will be payable to the General Fund.

2. Council could choose not to pay the full dividend from the Sewer or Water Funds.

Implications: Any unpaid amount of the proposed dividend would remain in the water and/or sewer Fund Reserves. The current budget for General Fund Revenue (2021-22) may require adjustment (be reduced) to reflect any unpaid dividend.

Background

Council has previously resolved to adopt the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* as its guiding document for the management of the Shoalhaven Water business of Council. Since its adoption Shoalhaven Water has consistently achieved substantial compliance with the requirements of Best Practice, therefore enabling dividends to be paid to General Fund and access to State Government funding for capital projects.

The Guidelines identify six broad criteria which are supported by a number of checklists which function as a "road map" to navigate compliance requirements.

A pre-requisite to the payment of a dividend from the surplus (in accordance with section 409 (5) of the Local Government Act 1993) from water and sewer funds is that Council must

CL22.204

achieve substantial compliance with the required outcomes for each criterion in the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)*. This achievement is determined by a qualified external auditor.

Council has recently fulfilled the pre-requisite to obtain an independent Audit Report for 2020-21. Council is now required to resolve in a council meeting open to the public that it has achieved outcomes for each of the 6 criteria within the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)*. The attached Audit Report serves as confirmation of substantial compliance with those Guidelines for 2020-21. The Audit Report concludes:

Based on the findings of our audit, we conclude that Shoalhaven Water has demonstrated ‘substantial compliance’ with Best Practice Management of Water Supply and Sewerage in line with the DPE Water Best Practice Guidelines and Best Practice Framework as applicable for the year ended 30th June 2021.

Community Engagement

In accordance with Section 409 (7b) of the *Local Government Act 1993*, the Council must indicate in an open meeting that the Guidelines have been complied with, prior to paying the dividend. This Report serves that purpose and following Council's adoption of the Report, Council will submit a “*Statement of Compliance*” and “*Statement of Dividend Payment*” to the Department of Planning and Environment to finalise this matter, prior to payment to the General Fund before the end of this financial year.

Financial Implications

The *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* defines the eligibility for a dividend in two parts, as follows:

- Dividend for Tax Equivalents (All LWU's must pay this dividend)
- Dividend from Surplus (only payable if the annual capital expenditure does not exceed 3% of the current replacement cost)

Confirmation of Eligibility

Fund	Dividend for Tax Equivalents	Capital Expenditure (Capex) (2020/21)	3% of Current Replacement Cost (2020-21)
Water	\$164,094	\$8.524M	\$21.583M
Sewer	\$154,971	\$13.435M	\$32.164M

The dividend payable from each fund is the lower of the following three calculations:

1. 50% of the fund surplus (before dividends)
2. Number of Assessments x \$30, less the dividend for tax equivalents.
3. Cumulative surplus before dividends for the three years to June 2021, less the cumulative dividends for the two years to June 2020.

Based on the above 3 calculations the dividend payable is option 1 - 50% of the fund surplus and this equates to \$264,500 from the Water Fund and \$1,394,739 from the Sewer Fund.

The calculated dividends are \$9,950 higher than the budgeted amount and relevant budget adjustment will be made in March Quarterly Budget Review.

CL22.204

The table below compares actual dividends with 2021/22 adopted budget:

	2021/22 Adopted Budget	Actual Calculation	Variance fav/(unfav)
Dividends from Water	253,000	264,500	11,500
Dividends from Sewer	1,396,289	1,394,739	(1,550)
Total:	1,649,289	1,659,239	9,950

CL22.204



Shoalhaven Water

Report on Audit of Best Practice Management of
Water Supply and Sewerage Services in 2020/21

April 2022

CL22.204 - Attachment 1

Shoalhaven Water

Report on Audit of Best Practice Management of Water Supply and Sewerage Services in 2020/21

April 2022

Marimuthu Sundaravadivel

Senior Engineer (Strategic Water Planning)

12, Darcy Street

Parramatta NSW 2050

T | 02 9240 8824

E | marimuthu.sundaravadivel@finance.nsw.gov.au

W | www.publicworksadvisory.nsw.gov.au

Cover Image: Shoalhaven Water

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Table of Contents

1.	REPORT OF COMPLIANCE	1
1.1	INTRODUCTION	1
1.2	SCOPE	1
1.3	FINDINGS	2
1.4	CONCLUSION	5
1.5	DEFINITION	5
1.6	DISCLAIMER	5

CL22.204 - Attachment 1

1. Report of Compliance

1.1 Introduction

Public Works Advisory were engaged by the Shoalhaven City Council to audit Shoalhaven Water Group's water supply and sewerage services for compliance with the DPE Water Best Practice Management Guidelines, May 2007 (BPM Guidelines) and the NSW Best Practice Management Framework for Water Supply and Sewerage, February 2019 (BPM Framework) for the reporting year 2020/21.

The audit involved off-site collection, collation and review of relevant documentary evidences, and this document is the audit report outlining the scope of the audit and records the audit findings and conclusions regarding the compliance of Shoalhaven Water Group (SWG) with the BPM Guidelines and the Framework for the reporting year 2020/21.

1.2 Scope

We have performed the agreed procedures in accordance with our proposal for engagement by Shoalhaven Water Group (SWG) and described below with respect to the compliance of the SWG's Water Supply and Sewerage services with the NSW Best Practice Management Guidelines, August 2007 as updated through the Best Practice Management Framework, February 2019 for the year ended 30 June 2021 based on relevant criteria as set forth in column (3) of Table 1 of the Guidelines. Our engagement was generally undertaken in accordance with Australian Auditing Standards applicable to agreed-upon procedures of engagements.

The responsibility for determining the adequacy or otherwise of the procedures agreed to be performed is that of Council and the DPE Water. The procedures were performed solely to assist Shoalhaven Water and DPE Water in evaluating the validity of the compliance requirements and are summarised as follows:

1. We reviewed the current draft **Strategic Business Plan 2020-24** (SBP) to ensure that it included an:
 - Operating environment review
 - Total Asset management plan - operation, maintenance, capital works
 - Key performance indicators
 - Customer service plan

- Levels of service
 - Work Force plan
- 2) We reviewed the **Financial Plan** as contained within the SBP to ensure that it covered a period of at least 20 years and it reports the lowest required stable typical residential bill (TRB)
 - 3) We reviewed **full cost recovery** for both water supply and sewerage consistent with the outcomes listed in column (3) of Table 1
 - 4) We reviewed **water supply tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1
 - 5) We reviewed the **sewerage tariffs** to confirm they complied with the outcomes listed in column (3) of Table 1
 - 6) We reviewed the **liquid trade waste fees and charges** to confirm they complied with the outcomes listed in column (3) of Table 1
 - 7) We reviewed the **commercial developer charges** to confirm the existence of a Development Servicing Plan with commercial developer charges.
 - 8) We reviewed the **liquid trade waste approvals** to confirm they complied with the outcomes listed in column (3) of Table 1
 - 9) We reviewed the **water conservation** measures to confirm that it included the outcomes listed in column (3) of Table 1
 - 10) We reviewed the **drought management** plan to confirm that it included the outcomes listed in column (3) of Table 1
 - 11) We checked documentary evidence to ensure that **performance reporting** forms were completed and lodged to DPE Water within the required time frame, and
 - 12) We checked for completion and implementation of **IWCM Strategy** following substantial commencement of sound Integrated Water Cycle Management.

1.3 Findings

We report our findings as follows:

- a) With respect to (1) above, we found that review and update of Shoalhaven Water Strategic Business Plan 2020-24 (Council document no. D16/ 71523) is pending finalisation and adoption for inclusion of Workforce sub-plan in the document. Council reported that following completion of organisational workforce plan in June 2022, the SBP will be finalised and adopted by October 2022. The draft SBP is substantially compliant with all other outcomes listed in column (3) of Table 1 of the Best-Practice Management Guidelines. However, we note that preparation of IWCM Strategy in accordance with the BPM Framework requirements should be prioritised by Shoalhave Water.
- b) With respect to (2) above, we found that Shoalhaven Water have reported the long-term typical residential bills forecast using a spreadsheet financial model in the draft SBP. We also found that Shoalhaven Water has adopted an updated 20-year capital works programs for the financial model forecasts for 2020/21.
- c) With respect to (3) above, we found that the projected total annual water supply and sewerage services income provided full cost recovery, resulting in a positive economic real rate of return.
- d) With respect to (4) above, we found that water supply tariffs considered the outcomes listed in column (3) of Table 1 with 77.44% of residential revenue generated through residential usage charges in the year 2020/21.
- e) With respect to (5) above, we found that sewerage tariffs considered the outcomes listed in column (3) of Table 1.
- f) With respect to (6) above, we found that the liquid trade waste fees and charges considered the outcomes listed in column (3) of Table 1.
- g) With respect to (7) above, we found that the adopted Development Servicing Plans (DSPs) for Water Supply and Sewerage Services in 2008 considered the outcomes listed in column (3) of Table 1 and noted that it took into account the cross subsidy that will occur during the phased implementation as allowed in the Developer Charges Guidelines 2002.

We also found that an update of the DSPs and calculation of developer charges in accordance with the 2016 Developer Charges Guidelines has been completed by Shoalhaven Water in February 2020. However, public exhibition and adoption of the

same has been withheld in order to support rebuilding of community recovering from natural disasters (bushfires and floods) and pandemic situations during 2020-21.

Shoalhaven Water reports that the new DSPs are under further revision to include additional new service areas (West Culburra development area and Mossvale Road urban release area) in consultation with DPE Water with a view to finalise and adopt by end of 2022.

- h) With respect to (8) above, we found that the adopted Liquid Trade Waste Policy was last amended in April 2017. Liquid trade waste approvals have been issued to trade waste discharges and the liquid trade waste fees and charges considered the outcomes listed in column (3) of Table 1.
- i) With respect to (9) above, we found that Shoalhaven Water implemented sound water conservation and demand management initiatives, as identified in their IWCM Strategy adopted in 2008 and reviewed as part of the review of draft Strategic Business Plan, to achieve the outcomes listed in column(3) of Table 1.
- j) With respect to (10) above, we found that the Drought Management Plan (DMP), 2020 considered the outcomes listed in column(3) of Table 1.
- k) With respect to (11) above, we found that performance reporting forms for 2020/21 have been completed and lodged with DPE Water on 24 September 2021.
- l) With respect to (12) above, we found that the Shoalhaven Water adopted a sound IWCM Strategy in June 2008. The water supply and sewerage servicing strategy prepared in 2013 provide the basis for the system augmentations and forward 'growth' capital works to meet the demands of new developments and new service areas in line with the adopted Strategy.

We note that Shoalhaven Water is yet to complete updating and adoption of the IWCM Strategy in accordance with the February 2019 Checklist requirements to maintain the implementation of best practice management. In this regard, Shoalhaven Water reports that significant progress has been made in completing a number of latest IWCM checklist components including the asset management plans for water and wastewater, drought management plans, and demand management strategies. Shoalhaven Water reported the completion of Secure Yield Assessment (another component of IWCM checklist) and the feasibility assessment of Southern Distribution Trunk Network during 2020-21. With regard to completing the remaining IWCM checklist components/

requirements, Shoalhaven Water reports that it is currently piloting an improved IWCM process as part of DPE Water's review of IWCM requirements, and is in a position to complete IWCM Strategy as per any revised guidelines within 3-years' time.

1.4 Conclusion

Based on the findings of our audit, we conclude that Shoalhaven Water has demonstrated **'substantial compliance' with Best Practice Management of Water Supply and Sewerage** in line with the DPE Water Best Practice Guidelines and Best Practice Framework as applicable for the year ended 30th June 2021.

1.5 Definition

We have adopted the following definition for this engagement:

- *"Substantial Compliance"* means the level of compliance with the Guidelines such that any identified deficiencies do not detract from the general intent of the Guidelines to achieve Best Practice Management for Water Supply and/or Sewerage Services.
- What constitutes substantial compliance is also a function of at what point in time the issue is examined. Therefore, the best practice management adopted must take into account likely future scenarios and apply the current body of industry knowledge in regard to best practice.

1.6 Disclaimer

Our report is solely for the purpose set forth in the first paragraph of this report and for the information of Shoalhaven Water and the DPE Water and is not to be used for any other purpose or distributed to any other party. This report relates only to the items specified above and does not extend to any financial report of the Council taken as a whole.

Signed:

Date signed: 07 April 2022



(Marimuthu Sundaravadivel)
Senior Engineer (Strategic Water Planning)
Public Works Advisory
12, Darcy Street, Parramatta
NSW 2050



12 Darcy Street
Parramatta
NSW 2050
www.publicworksadvisory.nsw.gov.au

CL22.204 - Attachment 1

CL22.205 Notice of Motion - Vincentia Golf Club

HPERM Ref: D22/159796

Submitted by: Cllr Patricia White

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council

1. Request the Director of City Services (or his nominee) to meet with Country Club, Vincentia Golf Club President & Committee to discuss access to Council streets within the Golf Club precinct area.
2. Provide options for safety of residents, golfers, golf carts and vehicles accessing these streets such as marked crossing areas or other traffic devices.

CL22.205

CL22.206 Notice of Motion - Ulladulla Milton Lions Club – Markets Burrill Lake

HPERM Ref: D22/159817

Submitted by: Cllr Patricia White

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council support the Ulladulla Milton Lions Club Burrill Lake Farmers Markets with 50% fee reduction for Park Hire for market events for the next 2 years (until April 2024).

Background

Ulladulla Milton Lions Club have been regularly holding farmers markets at the Lions Park at Burrill Lake

The Lions Club have been paying event hire rates to Council, however, over recent times the markets have been cancelled (at last minute) due to weather conditions and other unforeseen circumstances such as COVID.

A request has been made for Council to reduce the fee for the markets by 50% over the next 2 years. Local producers rely on these markets to sell local produces and products.

Assistance by Council will allow the markets to continue and thrive over the next 2 years.

I seek support from all Councillors.

Note by the CEO

Ulladulla Milton Lions Club currently have approved market events on 10 June 2022 and 30 September 2022. Council (City Futures) has been informed that approvals will be soon sought for one market event in October 2022 and then two (2) market events per month until February 2023.

The current total fee for hire of the Lions Park at Ulladulla is set at \$292.00 per day. At the current rate the reduced hire fee payable for market events would be \$146.00 per day.

CL22.206

CL22.207 Notice of Motion - Dunn Lewis Centre 20th Anniversary Celebrations

HPERM Ref: D22/159900

Submitted by: Cllr Patricia White

Purpose / Summary

The following Notice of Motion, of which due notice has been given, is submitted for Council's consideration.

Recommendation

That Council:

1. Support the Dunn Lewis Centre 20th Celebrations across the Milton Ulladulla area with 12 days of events.
2. Advise the Foundation of any development applications and/or event permits required.
3. Provide sponsorship of \$25,000 for the 12 days of Events from the unallocated donations for 2021/22 on the terms and conditions as determined by the CEO or his nominee.

Background

On 12 October 2002, 202 people were killed in the Bali Bombings. Two of those victims were Craig Dunn and Danny Lewis. 12 October 2022 marks the anniversary of 20 years since the bombings.

Over the last 20 years, The Dunn Lewis Youth Development Foundation, a registered charity, was formed by Gayle Dunn, Craig's mother and the Dunn Lewis Centre in Ulladulla was created as a memorial, a community space and a venue for youth opportunity and interaction.

To celebrate the Foundation has engaged Event Management team to hold "Rise – the 20th Anniversary of the Bali Bombing Commemorative Events and Program"

12 days of commemorative events will be held at the Dunn Lewis Centre and other selected sites from 1 October to 12 October 2022. Events include: -

- 20th Anniversary Memorial Service
- The unveiling of the Memorial Wall
- A Gala Dinner
- Two Major Music Concerts – (RISE Concert & Rockabilly Concert with acts Daryl Braithwaite, Ross Wilson, Frankie J Holden, Wilbur Wilde)
- A Golf Day
- Fishing & Surfing Competitions
- Gymnastics Competition
- Ballroom Dancing
- Musical Theatre

CL22.207

- School & Sports Talent Competitions
- Football Match
- Skateboarding comp.
- And more

Patrons for the Event:

- The Hon John Howard OM AC (Prime Minister 2002)

Link: <https://www.youtube.com/watch?v=h6lzxTKtbKQ>

- Mr Tom Burlinson
- Mayor Amanda Findley

Ambassadors:

- Mr Angry Anderson
- Mr Frankie J Holden OAM

As detailed, this will be 12 days of celebrations attracting people from across the Shoalhaven, New South Wales, Australia and internationally. The Bali Bombings touched so many lives and communities with the loss of 88 Australian lives. Invitations are being sent to families as well as everyone who has played a part in the creation of the Foundation and Centre which numbers in the thousands.

The Dunn Lewis Foundation & Centre

The Dunn Lewis Centre is a permanent memorial to all those who lost their lives in the Bali Bombing. Since 2002 Craig's mother Gayle Dunn has been the driving force behind the multi-million-dollar project (\$18M plus in-kind donations) for the benefit of the local community especially youth.

It is a Community Centre where everyone is welcome - new 800 seat Auditorium; Climbing Wall; Tenpin Bowling; Art Gallery; Meeting rooms; commercial kitchens; café; Lounge area; Function areas; fully equipped Gymnastics; community gardens and more.

Foundation Origins

The Dunn & Lewis Youth Development Foundation has formed to fill a void that can become an overwhelming obstacle to many of today's young people. The issues we confront here are not uncommon or special; in fact, they are endemic in regional Australia. What help is there for young people who confront issues of trauma in their daily lives from violence, crime, personal tragedy, road accidents or isolation? Unemployment alone breeds indolence and feelings of worthlessness. The lack of community-based activities, skill-learning programs and entertainment opportunities does nothing to get kids off binge drinking, drugs or address the overriding issues of boredom, lack of training, or constructive life guidance. This neglect fosters a downward spiral. The Foundation emerged through youth and community consultation. After four years of negotiating, research, collecting data and engaging experts in all areas, we have started building a Youth Complex as the hub from which we will address these needs. The brick-and-mortar structure is the starting point and our physical home. Our main mission is providing for the social wellbeing and development of our youth. For the young people are on the road to a healthy and successful life, this Complex will provide them with the facilities to excel and achieve the potential that already stirs within them. For those who are not on the road to a successful life the Foundation, which operates through the Complex, will provide them with so much more. Conventional youth programs are having limited success in our region because they don't place young people equal or

ahead of their peers when they complete rehabilitation. It's proven fact that young people with some levels of qualifications are much more likely to gain employment or have the confidence to continue with their education. This is a critical principle and is fundamental to the opportunities we plan to provide through the Complex. Our not-for-profit Foundation intends to practice self-reliance as well as preach it. We will use commercial activities at the Complex to fund the specialist youth support programs that will be our main work. In the initial development phase, our Foundation is relying on community, business and government funding, donations, and sponsorship to build the Complex and take it to the point where it can become self-funding for the long-term.

The *Mission and Vision* of the Dunn Lewis Foundation is to provide access to services and create new opportunities for all youth to live their best lives. The Foundation believes in and is committed to developing the potential of each individual. It is recognised that every young person has the capacity to play a valuable role in society. As such, a person-centred ethos is essential to the Foundation activities. All decision-making processes and activities are governed by the needs of young people thereby facilitating ownership of learning and developing of self-responsibility. The Foundation is also committed to providing opportunities for engaging young people in these processes.

The Foundation has delivered the original vision and much more to young people through to seniors over the last 20 years, tens of thousands of people including many disadvantaged young people have:

- Successfully gained full time employment
- Graduated from accredited courses
- Celebrated receiving High School Certificate at alternative schooling
- Increased Wellbeing and counselling in a safe place
- Trained in life-skills including financial
- Inter-connected with Generations including seniors
- Opportunities for Grief counselling for parents and families
- And much more

The 20th Anniversary of the Bali Bombing Commemorative Events and Program provides an opportunity and time to reflect on the original vision of Craig's mother Gayle Dunn and celebrate not only the lives lost in Bali but the countless immense opportunities and wellbeing that have been provided to our youth through to other generations (Seniors) across the Shoalhaven, NSW regions and far afield.

I seek support from all Councillors on this recommendation for the sponsorship from Council for this significant event and opportunity.

Note by the CEO

The 2021/22 Unallocated Donations budget currently has sufficient funds available.

CL22.207

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

(2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

(3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
 - (i) performance management and reporting,
 - (ii) asset maintenance and enhancement,
 - (iii) funding decisions,
 - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
 - (i) policy decisions are made after considering their financial effects on future generations,
 - (ii) the current generation funds the cost of its services

Chapter 3, 8C Integrated planning and reporting principles that apply to councils

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.